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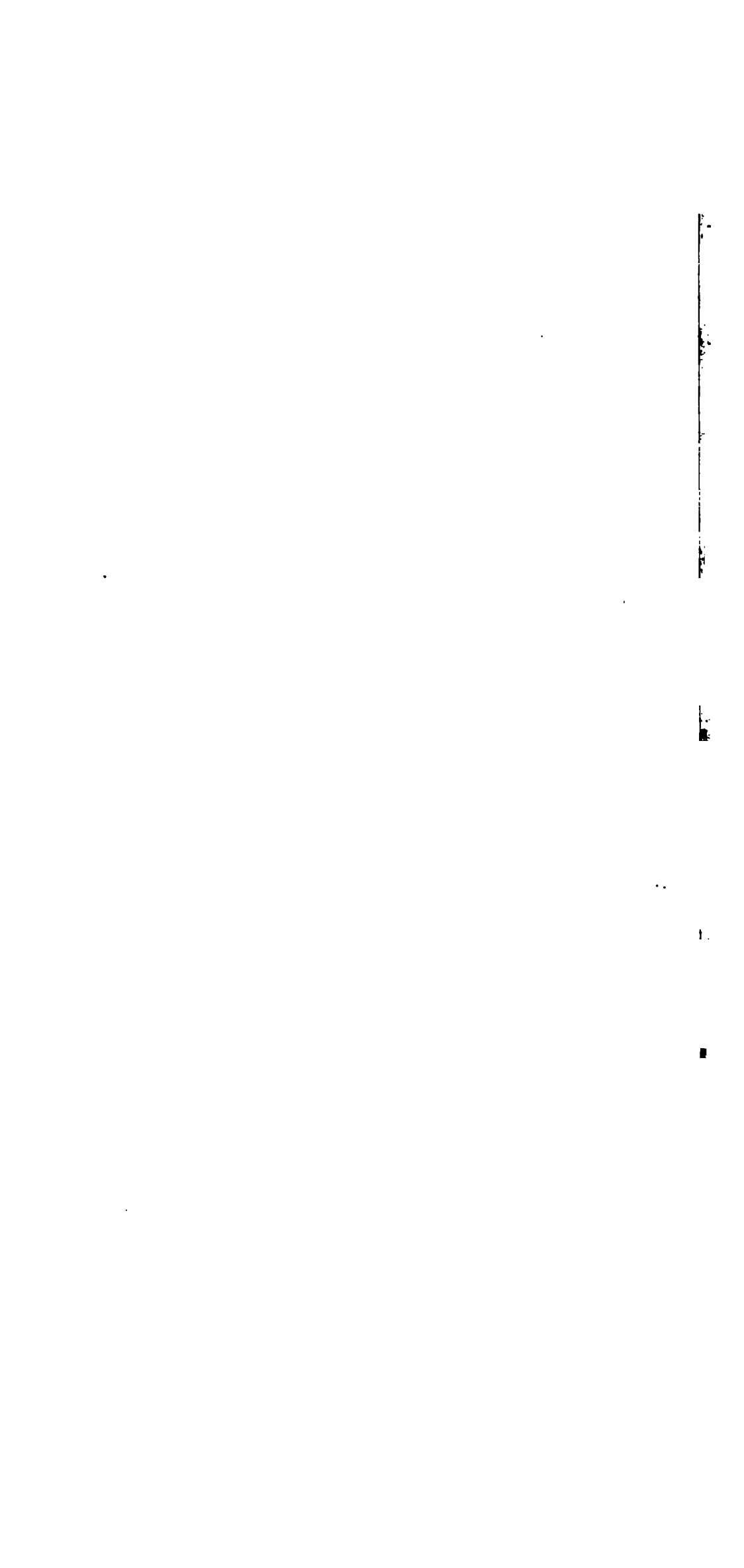
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A
COMPLETE COLLECTION
OF
State Trials
AND
PROCEEDINGS FOR HIGH TREASON AND OTHER
CRIMES AND MISDEMEANORS
FROM THE
EARLIEST PERIOD TO THE YEAR 1783,
WITH NOTES AND OTHER ILLUSTRATIONS:
COMPILED BY
T. B. HOWELL, Esq. F.R.S. F.S.A.
AND
CONTINUED
FROM THE YEAR 1783 TO THE PRESENT TIME:
BY
THOMAS JONES HOWELL, Esq.

VOL. XXXII.
[BEING VOL. XI. OF THE CONTINUATION]
57 GEORGE III.....A. D. 1817.

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692. The whole Proceedings in the case of JAMES WATSON* the elder, Surgeon; tried at the Bar of the Court of King's Bench, on an Indictment charging him with High Treason, April 18th—June 17th: 57 GEORGE III. A. D. 1817.†

COURT OF KING'S-BENCH,

Monday, 28th April, 1817.

THE Sheriff delivered in the panel of the Grand Jury, which was called over, and the following gentlemen were sworn :

THE GRAND JURY.

George Read, esq. (Foreman.)

H. Hare Townsend,	Thomas Reynolds,†
Patrick Byrne,	John Webb Weston,
Robert Wilkinson,	William Plenderleath,
Barthol. Barnewall,	Henry Usbourne,
John Wright,	John Cotton,
Peter Campbell,	William Walter,
John Jackson,	George Dorrien,
William Palmer,	William Evans,
Nathaniel Suell,	Robert Stone,
Life Dacre,	George Knox,
Charles Pole,	G. Musgrave,—esqrs.

Mr. Justice Bayley.—Gentlemen of the Grand Jury :—Of the general nature of

your duty I have no doubt you are all well aware : it is to examine into each particular charge which may be brought before you, and if you find the charge substantiated by such evidence as you believe, to present the bill containing such charge.

But I understand there is likely to be brought under your consideration a charge different from those which ordinarily occupy the attention of grand juries in this place—a charge of the highest crime which can be committed—high treason. Of the particular evidence by which that charge is to be supported I am (as I ought to be) as ignorant as you are ; I know no part of that evidence ; but it is my duty to point out to you before hand, as accurately as I can, what is the law applicable to the subject, so that you may be able to refer that law to the evidence which may be brought under your consideration, and (when that evidence is adduced) to decide conscientiously and rightly, between the public on the one hand, and the individuals who are the subjects of the charge on the other.

This charge will, I believe, contain four different descriptions of treason ; that of compassing and imagining the king's death—that of compassing and imagining to depose the king—that of levying war against the king—and that of conspiring to levy war to force the Crown to change its measures, and its councils.

Two of these, namely, the first and the third, are made treasons by an act of parliament, passed so long ago as the reign of Edward the Third ; the second and the fourth are made so by an act of parliament of the present reign, namely, the 36th of his present majesty, chapter 7. I mention the chapter, in order that, if ne-

* S. C. 2 Stark. N. P. C. 116.

† See the Report of "the Lords Committees appointed a Secret Committee to inquire into certain meetings and combinations endangering the public tranquillity."—35 *Hans. Parl. Deb.* 411. See also the Debates in the Lords on the consequent introduction of a Bill to suspend the Habeas Corpus act, *ibid.* pp. 551, 825, and on certain petitions from Thomas Cleary ; *ibid.* 473, 531. See too the proceedings and Debates in the House of Commons, *ibid.* 438, 589, 643, 708, 766, 783, 795, and a Petition from Henry Hunt to the House of Lords, *ibid.* 546.

‡ See in Vol. vi of this work the trials of Mac Cann, Byrne, and Bond. See also 36 *Hans. Parl. Deb.* 971, 1020, 1048, 1069, 1244, 1390, 1403, 1409, 1414, & 1417.

cessary, you may, in the course of your duty, have an opportunity to refer to it.

The offence of compassing and imagining either the king's death or his removal, is an act of the mind only, and unless that is further evinced and indicated, by some act moving towards one of those ends, namely, the death or deposing of the king, the charge would not be sustained, and therefore, upon those counts you must be convinced, not merely that such an idea entered into the man's mind, but that he acted upon that compassing and imagination. The law considers the offence of compassing and imagining the king's death or deposition, not to be confined to those cases in which it enters into the mind of the person against whom the charge is made, actually to destroy the king, or actually to depose the king; but if his object is of such a nature, that in the means taken to accomplish that object, the king's life, or safety, or continuance upon the throne, is likely to be brought into hazard, the law considers the entertaining and acting upon an object of that kind, as necessarily contemplating what, if the treason were successful, would probably be its ultimate effect, namely, the death or deposition of the king.—Every man is considered as having in his mind whatever is the probable consequence of the means he is adopting.

Levying war against the Crown is considered as an act showing in the person who is guilty of it, a compassing and imagining of the king's death; for a man who will be wicked enough to levy war against the Crown, would not (if he were to be successful) be likely to stop, till he had destroyed, or at least removed from the throne, that person whose duty it would be, to punish the treason, if he were permitted to live, and continued in the possession of his power; and therefore the act of levying war is considered evidence, or (as I shall have occasion to explain to you by and by) an overt act of compassing and imagining the king's death, and an overt act of compassing and imagining the deposal of the king.

It is very necessary that you should be apprized before hand what the law considers as a levying of war. It is not absolutely necessary in order to constitute that offence, that there should be a regular organized force, or that the persons should be in military array. If there is an insurrection, that is, a large rising of people, in order by force and violence to accomplish or avenge, not any private objects of their own, not any private quarrels of their own, but to effectuate any general public purpose, that is considered by the law as a levying of war; there must be an insurrection, force must accompany that insurrection, and it must be for an object

of a general nature; but if all these circumstances concur, that is quite sufficient to constitute the offence of levying war.

That point has been under the consideration of the judges at many different periods, and has always received from them the same determination. One of the early cases (which I mention by way of illustrating the principle, for it will be an important feature, probably, under your consideration) was of this description:—There was a general rising (a rising of about 5,000 people), with a view not to do any very wicked act, but to put down all brothels, or houses of ill fame; that was not to gratify any private revenge of those particular persons who were concerned in it, it was to produce in that respect a general reform. The judges were of opinion that it was not for individuals to take upon themselves by force to effectuate any object of a general description, and therefore that was considered as an act of high treason; the insurrection for that purpose was held an act of levying war.*

There was another case in which the parties met in large numbers, and with a considerable degree of force, to pull down all Meeting-houses—the Meeting houses of those persons who differed in opinion from the regular established Church. The judges who had that case under their consideration, in the reign of queen Anne, were all of opinion, that inasmuch as it was for a general purpose, it amounted to the offence of levying war.†

In our own times, in lord George Gordon's case, there was an insurrection for the purpose of putting down Popery; there was a very large insurrection with a view to that object; to support, or at least apparently to support, our own religious establishment, and to put down all persons of the Roman Catholic profession; and the judges there, had no doubt or difficulty, that a rising for that general purpose was an act of levying war against the Crown.‡

The text-writers upon this subject, sir Matthew Hale, and Mr. Justice Foster, who coolly in their closets considered these particular topics, agree in the same description of the offence, and therefore what I am now stating to you, is not only the deliberate determination of judges who occasionally had to decide, but of those judges also who were writing for posterity. If, therefore, in that which shall come before you, you shall find that there was a rising accompanied with circumstances

* Case of Messenger and Others, Howell's State Trials, Vol. vi. p. 879.

† Case of Dammaree and Others, Howell's State Trials, Vol. xv, p. 521.

‡ Rex v. Lord George Gordon, Howell's State Trials, Vol. xxi, p. 485.

of force, and you shall be satisfied that the persons who so rose, or any of them, had it in their contemplation to effect by force and violence, *any general reform of any description whatever*, or that they had any other *general public purpose*, it will amount to the offence of levying war.

Another of the charges is a conspiring to levy war, with a view to force the Crown to alter its measures or its councils; that supposes that there has not been such an insurrection with such force and violence as amounts to the actual levying of war, but merely supposes that certain persons have met together, and that the result of their deliberation and determination has been, their endeavour to effectuate such a rising, and to effectuate that rising for the purpose which the bill will charge, namely, the offence of compelling his majesty by force to change his measures and his councils. Upon that charge you must be satisfied, first, that a conspiracy existed, and, secondly, that it had for its object the purpose charged.

In order to support those different acts the law expects that what are called the overt acts shall, with reference to most of these treasons, be stated in the body of the bill of indictment to be preferred. These overt acts do not constitute the treason; that is comprised in the compassing the king's death, in the compassing the deposal of the king, in the conspiring to levy war, or in the actual levying of war; but these which are called overt acts are necessarily introduced into the indictment, and are the evidence by which the charge is afterwards to be supported; and they are introduced into the indictment, that each person against whom the charge is made may have the opportunity of knowing before hand, what is the evidence by which he is to be affected, in order that he may prepare himself to meet that evidence.

The overt acts will require careful consideration at your hands; there will probably be many applicable to each charge; if upon the investigation you shall be fully satisfied of the truth of any one overt act, and shall be satisfied also that the other parts of the charge are effectually made out, it will be your duty to find the bill. It is not necessary that every overt act charged in the indictment, should afterwards be established by evidence, but it will be right that you should examine into each overt act which is charged in the indictment; and that you should not stop your inquiry as soon as you are satisfied with evidence applicable to any one only, because each overt act imports upon the face of the indictment to be found by you, and, therefore, you ought not to return a bill, stating a variety of overt acts, unless you are satisfied with respect to each and

every of those acts. What I should recommend to you, therefore, in going through the bill is this: if all the overt acts shall be proved by evidence to your satisfaction, then you will properly return the bill with all those overt acts; but if it should turn out that some of the overt acts are established, but that the evidence fails as to the rest, then it will be right on your part, either to strike out from the bill such of the overt acts as are not proved to your satisfaction, or to express distinctly in your finding, that such overt acts are not found.

When all or any of the overt acts are established, you may properly put to yourselves this question:—were those acts, all or any of them, done in order to accomplish any such general purpose as amounts in law to the offence of levying war? If you are satisfied that they were, it will be your duty to find the bill upon those overt acts.

It will be necessary in order to give you jurisdiction, that some one at least of those overt acts should have taken place in the county of Middlesex; you know that you have jurisdiction with respect to such offences only as arise within your own county, but if you are satisfied that any one of these overt acts has occurred in the county of Middlesex, it is your duty also to inquire into other overt acts, wherever they may have been committed, whether in London, or in Surrey, or elsewhere. If any one of the overt acts has occurred in the county of Middlesex, that makes it your duty to inquire into all the other overt acts wherever committed.

It is necessary that a charge of treason should be supported by two witnesses; if there were one witness alone, the bill could not be found. This shows the attention the law gives to charges of this high enormity. But it is not necessary that you should have two witnesses to the same overt act: if there is one witness to one overt act, and another witness to another overt act of the same treason, that will be quite sufficient to warrant you in finding the bill, and will be a compliance with that requisition which says, there shall be two witnesses, in order to make out a charge of treason; but if treasons of divers heads or kinds are charged in the indictment, one witness to an overt act of one of those treasons, and another witness to an overt act of another of them, would not be sufficient.

If you shall be satisfied from the general nature of the evidence, that the charge of treason is effectually made out and rests somewhere, then it will become your duty to consider the case as it applies to each of the different persons who are the subjects of the charge. The bill probably will be against more than one person.

Treason differs from felony in this:—in felony there are accessaries; in treason there are none: what would make an accessary in felony, makes a principal in treason. He who plans the thing, or who devises the means by which it is to be effected, or draws in others to co-operate, or does any other act preparatory to the execution of the thing proposed, is as much a principal as he who executes that thing: and provided a man once comes into the common purpose and design, every previous act with a view to that purpose and design, and every subsequent act, is as much his act, as if he had done it himself. If, therefore, you are satisfied that any of these persons concurred in planning the thing, concurred in inciting others to engage in it, or engaged in it at a subsequent period after it had been planned and devised by others, but came into it for the purpose of carrying it into effect; provided you shall find that they all had the same common purpose and design, no matter when any one person entered into that common purpose or design, every one who did enter into it, is in law a party to every act which had been before done by the others, and a party to every act which might be afterwards done by any of the others; and therefore what you will have to consider with reference to each person will be this:—did such person at any period of time join in this common purpose? if he did—whether he were present at any particular meeting or not—whether he were present at the time when the rising took place or not—if he were party to the common purpose, that would make him equally guilty, as if he had been actually present at every one of the acts and deliberations which will be brought under your consideration.

I omitted to state to you, that amongst the overt acts you will probably find *conspiring* will be one of the subjects charged, and *consulting* another. In order to support these, it is not absolutely necessary that you should have positive evidence from persons who heard them consult, or from persons who heard them conspire, or even that you should have evidence of an actual meeting for that purpose, if you shall find that there was a plan, and you shall be satisfied from what was done, that there must have been previous consultation and conspiracy, either by the persons who are the objects of the charge, or by persons engaged with them in the same common purpose and design, that will justify your finding the conspiracy and consultation.

I have endeavoured as shortly and as clearly as I can, to suggest to you such considerations as may be material in directing your judgments in the discharge of this important duty; it is very im-

portant on the one hand to the public, if treason has existed, that that treason should be developed, and that the persons who have been concerned in it should be brought under trial: and on the other hand, it is a very heavy charge; you will be cautious, and will give to the case the fullest and fairest investigation; and you will not return a bill against the persons charged, unless the evidence produces satisfaction to your minds, that they are guilty of some or all of the charges which shall be brought before you against them.

Gentlemen, these are the observations which it occurs to me to make: if in the discharge of your duty any material difficulty should arise, I shall be very glad to give you any assistance in my power.

On Tuesday the 29th April, the grand jury returned a true bill of indictment for high treason, against Arthur Thistlewood, James Watson the elder, James Watson the younger, Thomas Preston, and John Hooper: not a true bill against John Keenes.

Mr. Attorney General.—In consequence of the bill of indictment which the grand jury have now returned to your lordships, it becomes my duty to move, that the sheriff of Middlesex may be directed to deliver to Mr. Litchfield, the solicitor for the treasury, a list of a proper number of persons capable of serving on juries, in order that that list may be copied, and a copy delivered to each of the persons against whom this bill of indictment is found.

Lord Ellenborough.—Be it so.

Mr. Attorney-General.—It may be proper for me to take this opportunity of stating to your lordships, that there has been nothing which I, and I may say, every person connected with the duty of prosecuting this offence, have had more at heart, than to bring it to the earliest possible examination.

Your lordships know perfectly well that the present stage of inquiry has, by the kind permission of the Court, been somewhat accelerated—the grand jury, according to the usual procedure of the Court, would not have been assembled so early in the term—therefore every provision has been made, that the persons accused might have their deliverance at the earliest possible moment.

Your lordships have now ordered that the sheriff of the county of Middlesex should return a proper number of names to serve upon the jury—that number your lordships know must be considerable. I cannot know exactly when that duty will be performed, but I have every rea-

son to believe it will be very promptly performed. Assuming that that will so be done, with the greatest anxiety that the case should be tried at the earliest possible moment, I have found that it is impossible by law that I should ask your lordships to appoint any earlier day to commence the trial at bar, than the Friday preceding the conclusion of the term, leaving therefore Saturday and Monday only, the term concluding on Monday.

Your lordships know very well that a considerable portion of the first day of such a proceeding must necessarily be consumed before the jury can be sworn, so that probably my duty in stating the case would not commence till late on the Friday. The Court would then have left for this important investigation only Saturday, and (Sunday intervening) Monday, and if from any accident by the length of the inquiry (and I cannot conceal that the number of witnesses I must call is very large) the term should expire before the proceeding should have arrived at its conclusion, all would be labour in vain; I say nothing in a grave proceeding like this, of the inconvenience which would be felt at the end of the term by the interruption of business; that is not unworthy of consideration: I know how ready your lordships would be to lay aside all other business for this grave and important case, but it appears to me my bounden duty not to ask your lordships to take this case in the present term, I consider my duty to the prisoners and my duty to the public to stand upon the same footing. I can have no wish but that which is common to me (if I may presume to say so) with your lordships, that justice should be done, and satisfactorily done; therefore I have thought the earliest moment at which I can communicate this to your lordships, the fittest moment; I should ask, that on as early a day as possible in the next term, your lordships would have the goodness to proceed. I shall apply to the Court in the course of the term, that the parties may be arraigned, which will be one step gained this term.

Lord *Ellenborough*.—From what you have stated, Mr. Attorney-General, it appears that the trial cannot be concluded in the present term; it would therefore have no other effect, than distressing the feelings of the persons who are the objects of it; the Court will consider what day in the next term will be most proper.

Mr. *Attorney-General*.—I thought it, even for the prisoners, desirable, that I should take the earliest opportunity of communicating this to your lordships.

Lord *Ellenborough*.—The first day of

the trial would certainly be occupied in the way you have stated, and at what time the business would be terminated must be of course uncertain. Without pledging ourselves that that shall be the day, it is in our contemplation to fix the first Monday in the next term; but as that will come within the first four days of the term, we must request gentlemen who have motions for new trials, to make those motions on Friday or Saturday leaving Monday vacant for this trial.

THE INDICTMENT.

Middlesex } The jurors for our lord the
to wit. } king upon their oath present
that Arthur Thistlewood late of the parish of St. Andrew Holborn in the county of Middlesex gentleman James Watson the elder late of the parish of St George Bloomsbury in the same county surgeon James Watson the younger late of the same place surgeon Thomas Preston late of London cordwainer and John Hooper late of the parish of Saint Ann within the liberty of Westminster in the said county of Middlesex labourer being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the first day of November in the fifty seventh year of the reign of our said present sovereign lord George the third by the Grace of God of the United Kingdom of Great Britain and Ireland king defender of the faith and on divers other days and times as well before as after with force and arms at the parish of Saint James Clerkenwell in the county of Middlesex maliciously and traitorously amongst themselves and together with divers other false traitors whose names are to the said jurors unknown did compass imagine and intend to move and excite insurrection rebellion and war against our said lord the king within this kingdom and to subvert and alter the legislature rule and government now duly and happily established within this kingdom and to bring and put our said lord the king to death And to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and

times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did assemble meet conspire and consult among themselves and together with divers other false traitors whose names are to the said jurors unknown to devise arrange and mature plans and means to subvert and destroy the constitution and government of this realm as by law established and to deprive and depose our said lord the king of and from the style honour and kingly name of the imperial crown of this realm And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid They the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said Parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did assemble meet conspire consult and agree among themselves and together with divers other false traitors whose names are to the said jurors unknown to stir up raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid They the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did assemble meet conspire consult and agree amongst themselves and together with divers other false traitors whose names are to the said jurors unknown with force and arms to attack and seize upon the Bank of England and the king's tower of London and to seize and take possession of divers ordnance warlike weapons arms and ammunition therein and in divers other magazines and places deposited and being with intent by and with the said ordnance weapons arms and ammunition to arm themselves and other false traitors and to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other

his liege and faithful subjects and to raise levy and make insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid They the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did conspire consult agree attempt and endeavour to seduce divers soldiers serving in the land forces of our said lord the king and also divers other liege subjects of our said lord the king from their duty and allegiance to our said lord the king and to move persuade and procure the same and other soldiers and subjects of our said lord the king to associate and join themselves with and be aiding and assisting to them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper and divers other false traitors in a wicked and traitorous attempt by them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper and divers other false traitors to be made to subvert and destroy the government and constitution of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did give orders to a certain person to wit one Isaac Bentley to manufacture and provide divers to wit two hundred and fifty iron pike heads, and did purchase and receive of and from the said last mentioned person the said iron pike heads with intent therewith to form pikes and with such pikes to arm themselves and divers other false traitors in order to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other his liege and faithful subjects and to raise make and

levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did purchase procure provide and have divers large quantities of arms to wit swords and pistols and divers large quantities of ammunition to wit gunpowder leaden bullets and slugs and also divers flags banners and ensigns with intent therewith to arm and array themselves and divers other false traitors in order to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other his liege and faithful subjects and to raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November, in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did assemble meet conspire consult and agree amongst themselves and together with divers other false traitors whose names are to the said jurors unknown to set fire to burn and destroy divers barracks of our said lord the king used for the reception and residence of the soldiers troops and forces of our said lord the king in this realm and to provide and prepare combustibles and materials to wit tar pitch sulphur resin spirits of wine tallow and turpentine for the purpose of setting fire to burning and destroying the said barracks And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper

per as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did make a proposal to and treat with and cause and procure a proposal and treaty to be made and had to and with a certain person to wit one Walter Cosser concerning and for the hire of a certain house and did then and there by such proposal and treaty endeavour to obtain and hire the said house for the purpose of depositing and keeping therein combustibles and materials to wit tar pitch resin sulphur spirits of wine tallow and turpentine with intent to use the same in and for the setting fire to burning and destroying of certain barracks of our said lord the king used for the reception and residence of the soldiers troops and forces of our said lord the king And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did conspire to procure and did by advertisements in the public newspapers and by placards and hand-bills and by divers other ways and means invite divers and very large numbers of the liege subjects of our said lord the king to assemble and meet together on divers days and times in a certain place commonly called Spa-fields in the said county of Middlesex with intent that divers of them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper and other false traitors might make and utter in the presence and hearing of the subjects of our said lord the king to be so there assembled seditious inflammatory and treasonable speeches and harangues and thereby move excite cause and procure the said last mentioned subjects to raise make and levy insurrection rebellion and war against our said lord the king within this realm And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the twenty-seventh day of November in the fifty-seventh year of the reign aforesaid

with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did make applications and proposals to and treat with and cause and procure applications proposals and treaties to be made and had to and with divers persons to wit one William Duke one John Richardson and one Frederick Windermude concerning and for the hire of certain waggons stages platforms and other machines to be conveyed to the aforesaid place commonly called Spa-fields in the said county of Middlesex and there to be used for the purpose that divers of them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper and other false traitors should thereupon and therefrom make and utter seditious inflammatory and treasonable speeches and harangues to divers subjects of our said lord the king there to be assembled in order thereby to move excite cause and procure the same subjects to raise make and levy insurrection rebellion and war against our said lord the king within this realm And further to fulfil perfect and to bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the twenty-eighth day of November in the fifty-seventh year of the reign aforesaid with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex maliciously and traitorously did treat for hire and engage a certain waggon and divers to wit two horses and afterwards to wit on the second day of December in the fifty-seventh year of the reign aforesaid at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did provide and cause to be placed in the same waggon divers large quantities of ammunition to wit gunpowder shot leaden bullets and slugs and divers flags banners and ensigns and did cause the same waggon with the said ammunition and the said flags banners and ensigns therein to be drawn to the aforesaid place called Spa-Fields in the said county of Middlesex and did provide divers ribbons and cockades and did ascend and get into the same waggon and did exhibit and display to great numbers to wit five thousand and more of the subjects of our said lord the king there then being the said flags banners and ensigns and also the said ribbons and cockades and the said James Watson the elder and James Watson the younger with force and arms maliciously and traitorously did then and there to wit at the said Parish of

Saint James Clerkenwell in the said county of Middlesex respectively make and with loud voices utter to and in the presence and hearing of the said subjects of our said lord the king so then there being seditious inflammatory and treasonable speeches and harangues and the said James Watson the younger with force and arms maliciously and traitorously did then and there seize and take into his hands one of the said flags and did call upon and invite the said subjects of our said lord the king so then there being to follow him the said James Watson the younger they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper then and there meaning and intending by means of the several premises aforesaid to move excite cause and procure the said subjects of our said lord the king so there then being to raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper, as such false traitors as aforesaid on the said second day of December in the fifty seventh year of the reign aforesaid with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously together with a very great number to wit one thousand and more of the subjects of our said lord the king whose names are to the said jurors unknown then and there assembled with flags banners and ensigns ribbons and cockades and also with divers offensive weapons to wit swords guns pistols sticks and staves did parade and march with great noise and violence through divers public streets and highways and in the said public streets and highways did brandish and exhibit the said swords and other offensive weapons and fire off and discharge the said guns and pistols and did attack and beset the houses and shops of divers gunsmiths and dealers in arms and did seize and take divers large quantities of arms to wit swords guns and pistols with intent by and with the said last mentioned arms further to arm themselves and other false traitors in order to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other his liege and faithful subjects and to raise make and levy insurrection rebellion and war against our said lord the king within this realm and thereby to subvert and destroy the constitution and government

of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid they the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said second day of December in the fifty-seventh year of the reign aforesaid with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously did proceed together with divers other false traitors whose names are to the said jurors unknown to the king's Tower of London and did with loud voice address certain soldiers serving in the land forces of our said lord the king then being stationed in the said tower and did invite and endeavour to seduce the same soldiers to open the gates of the said tower and to admit divers of the said false traitors into the said tower in order that the said last-mentioned false traitors might enter into the said tower and take possession thereof and of the ordnance stores arms and ammunition therein deposited and being and to associate and join themselves the said last mentioned soldiers with and be aiding and assisting to them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper in a wicked and traitorous attempt to subvert and destroy the government and constitution of this realm as by law established And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing and imagination aforesaid They the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper as such false traitors as aforesaid on the said second day of December in the fifty-seventh year of the reign aforesaid with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex together with a great multitude of false traitors whose names are to the said jurors unknown to the number of one thousand and more armed and arrayed in a warlike manner that is to say with flags banners ensigns swords pistols clubs bludgeons and other weapons maliciously and traitorously did ordain prepare levy and make public war against our said lord the king within this realm in contempt of our said lord the king and his laws to the evil example of all others contrary to the duty of the allegiance of them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper against the form of the statute in such case made and provided and

against the peace of our said lord the king his crown and dignity—

[*Second Count.*].—And the jurors aforesaid upon their oath aforesaid do further present that the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously amongst themselves and together with divers other false traitors whose names are to the said jurors unknown did compass imagine invent devise and intend to deprive and depose our said lord the king of and from the style honor and kingly name of the imperial crown of this realm and the said last-mentioned compassing imagination invention device and intention did then and there express utter and declare by divers overt acts and deeds hereinafter mentioned that is to say—
[The indictment then states the same fourteen overt acts charged in the first count.]

[*Third Count.*].—And the jurors aforesaid upon their oath aforesaid do further present That the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the said second day of December in the fifty-seventh year of the reign aforesaid with force and arms at the said parish of St. James Clerkenwell in the said county of Middlesex together with a great multitude of false traitors whose names are to the said jurors unknown to the number of five thousand and more arrayed and armed in a warlike manner that is to say with flags banners and ensigns swords pistols clubs bludgeons and other weapons being then and there unlawfully malici-

ously and traitorously assembled and gathered together against our said lord the king most wickedly maliciously and traitorously did levy and make war against our said lord the king and being so assembled together arrayed and armed against our said lord the king as aforesaid did then and there with great force and violence parade and march in an hostile manner through divers public streets and highways and did then and there maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the government and constitution of this realm as by law established and to deprive and depose our said lord the king of and from the style honor and kingly name of the imperial crown of this realm In contempt of our said lord the king and his laws to the evil example of all others contrary to the duty of the allegiance of them the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper against the form of the statute in such case made and provided and against the peace of our said lord the king his crown and dignity.

[*Fourth Count.*].—And the jurors aforesaid upon their oath aforesaid do further present That the said Arthur Thistlewood James Watson the elder James Watson the younger Thomas Preston and John Hooper being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the said first day of November in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the said parish of Saint James Clerkenwell in the said county of Middlesex maliciously and traitorously amongst themselves and together with divers other false traitors whose names are to the said jurors unknown did compass imagine invent devise and intend to levy war against our said lord the king within this realm in order by force and constraint to compel him to change his measures and counsels and the said last-mentioned compassing imagination invention device and intention did then and there express utter and declare by divers overt acts and deeds hereinafter mentioned that is to say—[The Indictment then states the same fourteen overt acts charged in the first and second counts.]

On Monday, the 5th of May, Mr. Litchfield,

solicitor for the Treasury, delivered to each of the prisoners a copy of the indictment, a list of the jurors returned by the sheriff, and a list of the witnesses to be produced by the crown, for proving the said indictment.*

On Saturday, the 17th of May, Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, were brought from the tower to the court of King's-Bench, under a writ of Habeas Corpora, and set to the bar.

The return of the marquess of Hastings, as governor of the tower, was read and filed.

The prisoners were informed, that if they wished to have counsel assigned to them, the Court would assign them upon their desire.

Each of the prisoners prayed to have counsel assigned, but requested two or three days for consideration, not having yet made up their minds. They were informed that they might prefer their request either to the Court, or to a judge at chambers, who was authorized by the act of parliament, to assign them counsel.

James Watson having requested to be informed, whether if counsel were assigned to him he should be allowed to speak in his own defence, was informed by the Court, that he would not be restrained from addressing to the jury what might be expedient.

The prisoners were arraigned and severally pleaded Not Guilty. They were then remanded, having being informed that their trial would take place on the 9th of June.

At the request of the prisoners, the following gentlemen were assigned as their counsel :

For Arthur Thistlewood.

Mr. Wetherell and Mr. Sergeant Copley.

For James Watson.

Mr. Wetherell and Mr. Sergeant Copley.

For Thomas Preston.

Mr. E. Lawes and Mr. Rigby.

For John Hooper.

Mr. Holt and Mr. Starkie.

COURT OF KING'S BENCH,

Monday, 9th June, 1817.

PRESENT,

The Right Hon. Lord *Ellenborough*, C. J.

The Hon. Mr. Justice *Bayley*.

The Hon. Mr. Justice *Abbott*.

The Hon. Mr. Justice *Hobroyd*.

Counsel for the Crown.

Mr. *Attorney General* [Sir Samuel Shepherd, afterwards Lord Chief Baron of the Exchequer of Scotland.]

* It appears from a conversation in the House of Commons, that the list of witnesses contained 240 names; *Vide* 36 Hansard's Parl. Deb. 882.

Mr. *Solicitor General* [Sir Robert Gifford.]
 Mr. *Topping*; Mr. *Gurney*,
 Mr. *Richardson* [afterwards a Judge of the
 Common Pleas.]
 Mr. *Shepherd*.

Solicitor.

Henry Charles Litchfield, esq. Solicitor for the
 affairs of his majesty's Treasury.

Counsel for the Prisoner.

Mr. *Wetherell*, Mr. *Sergeant Copley*.

Solicitor.

Mr. *James Harmer*, Hatton Garden.

The Court being opened, Arthur Thistlewood, James Watson the elder, Thomas Preston and John Hooper, were set to the bar.

Mr. *Attorney General*.—My Lord, my learned friend, Mr. Wetherell, who is counsel for some of the prisoners has intimated to me, that they intend to sever their challenges, in consequence of which, on the part of the crown, I shall desire to have them tried separately.

Lord *Ellenborough*.—That you have a right to do.

Mr. *Attorney General*.—It is necessary that I should state to your lordship, which of the prisoners I shall first bring to trial. Mr. James Watson the elder, is the prisoner to be first tried. It may be important in the course of the trial, that the other prisoners should be in Court, for the purpose of being identified.

The jurors returned by the Sheriff were called over, when the following were excused.

William Hughes, Truss-maker, on account of illness.

Samuel Baxter, esq. and Builder, on account of illness.

William Winchester, Gentleman, on account of illness.

Edward Wilson, Upholsterer, not having received the summons, in consequence of absence.

John Burnthwaite, Linen-draper, on account of illness.

Francis Keysall, Cheesemonger, not having received the summons.

Thomas Adcock Grindall, Distiller, on account of illness.

Peter Bardin, Painter and Glazier, on account of illness.

William Hale, Weaver, on account of illness.

William Pryor, Leather-seller, on account of illness.

Thomas Armitage, esq. on account of illness.

John Henry Wackerbarth, esq. and Sugar-baker, on account of illness.

Thomas Thornton, senior, Gentleman, on account of illness.

Thomas Buckland, Gentleman, on account of illness.

William Jackson, Whitesmith, on account of illness.

Thomas Morton, esq. and Brewer, having pleaded his exemption as an Elder Brother of the Trinity House.

The List having been gone through, the Defaulters were called over.

John Franklin, esq. fined 20*l*.

William Bentham, esq. and Conveyancer, fined 20*l*.

James Catforth, Gentleman, excused on account of absence from home, his house being under repair.

Rudolph Ackerman, Printseller, fined 20*l*.

John Mace, Ship Owner, fined 20*l*.

Robert Hall Westley, Bookseller, fined 20*l*.

William Forsyth, esq. fined 20*l*.

John Smith, Undertaker, fined 20*l*.

James Soames, Soap-maker, fined 20*l*.

John Marshal, esq. and Grocer, fined 20*l*.

Robert Hill, Tobacconist, fined 20*l*.

George Aust, esq. fined 20*l*.

The jurors returned by the sheriff and who had answered to their names, were again called over.

Thomas Mitchelson, Surveyor, sworn.*

Thomas Allman, Bookseller, sworn.

Robert Durham, Carpenter, challenged by the crown.

John Turner, Jeweller, challenged by the prisoner.

Robert Norton, Button-maker, sworn.

Daniel Wilshen, esq. and Gold-beater, pleaded an exemption as a commissioner of the property-tax. He was directed to stand by for the present.

Thomas Boot, senior, Grocer, challenged by the crown.

John Tomlinson, Woollen-draper, sworn.

Peter Richardson, esq. and Lottery-office keeper, sworn.

Samuel Edwards Wine-merchant, not a freeholder of the county of Middlesex to the amount of 10*l*. a year.

Henry Underwood, Cutler, not a freeholder, &c.

Charles Eady, Water-gilder, challenged by the prisoner.

Thomas Hacker, Timber-merchant, challenged by the crown.

George Allen, Brass founder, challenged by the prisoner.

Daniel Gardner, Hatter, challenged by the crown.

Samuel Fish, Tobacconist, challenged by the crown.

John Woodhead, Distiller, not a Freeholder, &c.

John Lane, Gentleman, challenged by the prisoner.

Thomas Kapper, Coal-merchant, not a Freeholder, &c.

Francis Wingrave, bookseller, excused on account of age.

* Vide page 24.

John Bryant, Anchor-smith, sworn.
James Fraser, Biscuit-baker, challenged by the prisoner.
Arthur French, Ironmonger, challenged by the prisoner.
William Beckett, esq. fined 20*l*.
Peter Ludgate, Gentleman, excused on account of illness.
John Doyle, Fan-light manufacturer, sworn.*
William Bailey, Ironmonger, not a Freeholder, &c.
William Philpot, Linen-draper, challenged by the crown.
Daniel Papperil, Tailor, challenged by the prisoner.
John Rabbeth, Cheesemonger, challenged by the prisoner.
William Baylis, Tinman, challenged by the prisoner.
Samuel Kell, Carpenter and Undertaker, sworn.
John Wilton, Boot-maker, not a freeholder, &c.
John Dickson, Baker, challenged by the crown.
James Clack, Gentleman, excused on account of illness.
George Belles, Grocer, challenged by the prisoner.
Robert Armstrong, Pawnbroker, not a Freeholder, &c.
Richard Ramsden, Capillaire-maker, sworn.
William Marsh, Dyer, excused on account of deafness.
Joel Edwards, Tailor, challenged by the crown.
William Phillips, Ironmonger, sworn.
Charles Parry, Linen-draper, not a freeholder, &c.
Joseph Arden, Glassman, excused on account of illness.
Christopher Scott, Tailor, challenged by the crown.
Edward Helling, Painter, not a Freeholder, &c.
Thomas Bean, Butcher, not a Freeholder, &c.
Thomas Cordell, Gentleman, challenged by the prisoner.
Charles Cox, Army Agent, excused on account of age.
Thomas Wilkes Barker, Silversmith, sworn.
George Woodward, Turner, challenged by the prisoner.
Richard Jaques, Auctioneer, excused on account of deafness.
Thomas Rich, Hatter, not a freeholder, &c.
Richard Flemming, esq. and Surveyor, excused on account of age.
John Christmas, esq. and Painter, challenged by the prisoner.
William Knight, esq. not a freeholder, &c.
Bowman Atkinson, Gentleman, not a freeholder, &c.
James Heath, Engraver, fined 20*l*.
Samuel Baker, Pork-butcher, challenged by the prisoner.

Joseph Mail, Stone Mason, excused on account of deafness.
William Thomas Miles, Grocer, not a freeholder, &c.
Frederick Holbroke, Gentleman, fined 20*l*.
John Parker, Woollen-draper, challenged by the prisoner.
Henry Buckley, Floor-cloth manufacturer, excused on account of illness.
Abraham Walker, Mercer, sworn.*
Mr. Mitchelson.—My Lord, I am not a freeholder; I was not asked the question: the question was not put to me.
Mr. Wetherell.—I do not object to the gentleman.
Lord Ellenborough.—By the first of William and Mary, it is expressly provided that they ought to be freeholders.
Mr. Doyle.—I am in the same situation; I am not a freeholder; I was not asked the question.
Lord Ellenborough.—No, you were not.
Mr. Mitchelson and *Mr. Doyle* withdrew from the box.
William Robert Burgess, Oilman, challenged by the prisoner.
Mr. Walker.—My Lord the question was not put to me; I am not a freeholder.*
Lord Ellenborough.—You swear you are not a freeholder?
Mr. Walker.—I do.
Lord Ellenborough.—You may withdraw.
James William Brooks, Glass-dealer, challenged by the crown.
John Miers, Miniature-painter, not a freeholder, &c.
William Dobson, Jeweller, not a freeholder, &c.
James Halford, Navy Agent, not a freeholder, &c.
Samuel Page, Builder, challenged by the prisoner.
John Spicer, Brandy Merchant, not properly described in the panel.
Richard Miller, Tailor, not a freeholder, &c.
James Little, Upholsterer, excused on account of ill-health.
John Thompson, esq. and Auctioneer, challenged by the prisoner.
William Porden, esq. and Architect, not a freeholder, &c.
William Reynolds, Bookseller, not a freeholder, &c.
James Rumble, Butcher, not a freeholder, &c.
Nicholas Cade, Carpenter, excused on account of ill health.
Francis Hager, Grocer, excused, being one of the people called Quakers.
John Eaton, Brandy Merchant, not a freeholder, &c.
John Heath, esq. and Merchant, challenged by the prisoner.
Charles Stoner, Gentleman, not a freeholder, &c.
Richard Hosman Soly, esq.

* Vide page 24.

* Vide infra*.

Mr. Solly.—My lord, I attend in consequence of having received a summons, but my name is not rightly spelt in the summons; it should be spelt with two l's, and the christian name should be Hors instead of Hos.

Lord Ellenborough.—Richard is right?

Mr. Solly.—Yes.

Lord Ellenborough.—The Horsman has the r left out?

Mr. Solly.—Yes my lord.

Lord Ellenborough.—And Solly has two l's?

Mr. Solly.—Yes.

Lord Ellenborough.—There is idem sonans:—there is no other person residing in that street, who has that name?

Mr. Solly.—There is Mr. Soley, not in that street, but in the neighbourhood.

Lord Ellenborough.—Not in Great Ormond-street?

Mr. Solly.—No; I apprehend there is also another objection; that being called to the bar, and continuing a member of Lincoln's Inn, I am not eligible.

Mr. Justice Bayley.—You do not practise, do you?

Mr. Solly.—I am entitled to practise; I am able to practise.

Lord Ellenborough.—Do you wear your gown and come into court?

Mr. Solly.—Not often, my lord, certainly; but I am entitled to do it.

Lord Ellenborough.—I believe that merely being at the bar will not do.

Mr. Solly.—I understood, provided I kept my name on Lincoln's Inn, and consequently was entitled to practise, that was sufficient; but of course your lordships are the best judges of that.

Mr. Wetherell.—I have no objection to Mr. Solly. Challenged by the crown.

James Peak, Bricklayer, challenged by the crown.

John Best, Gentleman and Coal Merchant, challenged by the prisoner.

John Booth, Gentleman and Surveyor, challenged by the prisoner.

Samuel Homer, Appraiser, challenged by the crown.

Samuel Roberts, Victualler, challenged by the crown.

Richard Perkins, Shoe-maker, sworn.

Edward Powell, Grocer, challenged by the prisoner.

Charles Baxter, Porkman, challenged by the Crown.

Henry Jackson, Boot and Shoe-maker, challenged by the prisoner.

William Sabine, Carpenter, not properly described in the panel.

John Pittard, Paper Manufacturer, challenged by the crown.

Thomas Gable, Weaver, not a freeholder, &c.

John Edger, Weaver, challenged by the crown.

Evan Jones, Grocer, challenged by the crown.

Robert Young, esq. and Bricklayer, challenged by the prisoner.

Joseph West, Grocer, not a freeholder, &c.

Robert Conyers, Ironmonger, and Dealer in Marine Stores, challenged by the crown.

Thomas Titterton, Coach-maker, challenged by the crown.

William Hackblock, Carrier, sworn.

Joseph Teale, Shoemaker, challenged by the prisoner.

John Ham, Weaver, not a freeholder, &c.

Samuel Knight, esq. and Druggist, sworn.

THE JURY.

Thomas Allman,

Robert Norton,

John Tomlinson,

Peter Richardson,

John Bryant,

Samuel Kell,

Richard Ramsden,

William Phillips,

Thomas Wilkes Barker,

Richard Perkins,

William Hackblock,

Samuel Knight.

The Jury were charged with the prisoner in the usual form.

The Indictment was opened by Mr. Shepherd.

Mr. Attorney-General.—May it please your Lordships.—Gentlemen of the jury you are assembled in that box to perform one of the most important functions that can devolve upon any men in a state of civilization, that of deciding upon the guilt or innocence of one of your fellow subjects, charged with the crime of high treason, the highest crime that can be committed against society by man; because it tends to the perfect disorganization of society, and to the utter destruction of every comfort that can belong to man, under the administration of the law.

On the one hand, you will, I am sure, be extremely desirous to protect the constitution of the country under which you live, against any traitorous attempts that may be made to subvert it; and on the other, you will be equally desirous, that when such a charge is made, before you come to the conclusion of guilt, it should be established by strong and convincing evidence. I think when I shall have stated and proved the case that I have to lay before you, you cannot entertain any doubt that the treason charged is proved, not only as laid in the first, second, third, or fourth counts, but in truth, is proved as laid in each and in all.

The charges that are made upon this indictment are four:—first, for compassing and imagining the death of the king: secondly, for compassing and imagining to depose the king: thirdly, for levying war: and fourthly, for conspiring to levy war, for the purpose of compelling the king to change his measures.

The first and the third counts are founded upon the statute of king Edward the third, which in those days stated what should amount to high treason: the second and the fourth counts are founded upon a later statute, the 36th of the present king, cap. 7, which, though it contains enactments peculiar to itself, and different in terms from the statute of Edward 3, yet does not in my mind very materially alter

the law of treason, except in one respect; because there is nothing, as it appears to me, stated in that statute of the 36 of the king, as far as relates to this case, which, though stated as treason—as substantive treason—would not, if committed, have been an overt act, manifesting such treasons as are declared in the statute of Edward the third.

I will state to you very shortly the enactments of the 25 of Edward 3, cap. 2, which describes treason, I mean, as far as it relates to this question, not taking up their lordships' time or yours, by referring to the other parts of the statute “when a man doth compass or imagine the death of our lord the king, or of our lady his queen, or of their eldest son and heir; or if a man do levy war against our lord the king in his realm, or be adherent to the king's enemies in his realm, giving them aid and comfort in the realm or elsewhere, and thereof be probably attainted of open deed—”

Mr. Wetherell.—*Provably attainted.*

Mr. Attorney-General.—Does my learned friend think that I am making any distinction between *probably* and *provably*? or that I am asking you to decide upon the guilt or innocence of men on mere probability? God forbid! I will take the word as he states it—*provably*, that is to say this, if a man do compass and imagine the death of the king, and has manifested that compassing and imagination by overt acts, proved by such evidence as the law of England requires for proof, then he is guilty of high treason.

The treason therefore described in the first branch of this statute is the compassing and imagining the death of the king—compassing does not mean, as in the ordinary and common acceptation of the term, effecting; we sometimes say, I compass such an object, but this means intending and imagining—having in the mind the intention of the death of the king, and then, by overt acts, taking means to carry into effect that intention and imagination of the mind.

That the levying war, or the actual endeavouring, by force of arms, to subvert the government and constitution of the country, is an overt act to manifest the compassing the death of the king—it is impossible for any one to deny; for whether the person who does that has in his mind the contemplation of the actual death of the person, who holds the sacred character of sovereign of the country, or not, if his purpose and object be to subvert and destroy the constitution of the country of which the king is sovereign; the necessary or the natural consequences which must necessarily arise from that, of thereby destroying the king, amounts, in the eye of the law and in the eye of common sense, to a compassing and imagining his death, for though without considering or contemplating the actual natural death (when I say natural death, I mean by violent means) of the king, so as to be treason in that point of view, against the actual person by way of as-

sassination, still it is treason, as against his majesty the king, as the sovereign of the realm, and if the object be that of subverting the law and the constitution of the country, and manifested by overt acts, those overt acts are overt acts manifesting the compassing the death, inasmuch as they are the means taken to effectuate that object.

In this point of view acts may be done, which would not amount to that second substantive treason, the levying war for instance, if men conspire and consult together to levy war, however it was made out that they had conspired and consulted together so to do, that would not amount to that second branch of treason, the actual levying war, but still the conspiring and the consulting to levy war would be an overt act—an open deed, one of the means whereby they would intend to effectuate the object of the death of the king.

The first count therefore of the indictment puts this charge as amounting to treason, in compassing the death of the king, and it then states a great variety of overt acts, every one of which (and I might say, any one of which) if made out to have been done with the object, and for the purpose of subverting the constitution of the country, and thereby dethroning (for it must amount to that) the king, would be each of them an overt act which would make out the charge; but though each of those overt acts, if standing simply by itself, would be such an overt act, yet standing simply and singly by itself and alone perhaps, it might be more difficult to draw the conclusion, that those acts were done with that object; but when they are taken and combined together, as giving you, upon this record, the history of the conduct of this defendant, which will be detailed to you by the witnesses, in a way, of the truth of which you cannot doubt, then it will appear, that here has been a constant series of progressive acts and transactions ultimately to effectuate that purpose, and that all those previous acts and consultations at last led to the ultimate act of levying war, for the purpose of effectuating their objects: for you will observe, that upon this indictment the overt acts that are charged are these; consulting to devise plans and means to subvert the constitution and depose the king; consulting to levy war and subvert the constitution; these, though acts, are acts of consultation and conspiracy—conspiring, that is, agreeing together to attack the Bank, and further conspiring to seduce soldiers and others, ordering pike heads, arms, that is to say, providing arms and ammunition, conspiring to burn the king's barracks, for the purpose, as it will appear to you, of destroying the soldiers who inhabited those barracks, in order to prevent any resistance from the king's forces in their war, when it should ultimately break out; hiring a house for the reception of combustibles for that purpose.

Then comes the next act of conspiring to procure meetings in Spa Fields—I will here make an observation, though it will present itself perhaps, when I come to detail that part

of the case, conspiring to procure those meetings, not for the purpose which was given out to many of those who met—not for the purpose of exercising that right which the subjects of this country, within the limits of the law, may exercise, the right of petitioning his majesty, or both or either of the Houses of Parliament, for the redress of any grievances, under which they actually laboured, or under which they supposed they laboured: No—getting them together with that apparent purpose, in order that, when so met and assembled together, they might convert the passions of those got together, into the instruments of their nefarious practices, and turn that which professed only to be a peaceable meeting, for the purpose of petitioning the king, into an assembly of armed men, for the purpose of levying war against him.

The other acts that are stated, of treating for the hire of waggons and stages, standing singly and simply by themselves, and unconnected with any thing else, are acts of perfect innocence; but when done for the express purpose of ultimately producing the object which they broke out into actual force and hostile force to produce, then they become overt acts and means, by them used for the purpose of effecting the treason charged; namely, compassing the death of the king. Parading the streets in an hostile manner; attacking Gunsmiths' shops, for the express purpose of providing themselves, and those who should join them, with arms, to carry on their war against the king and constitution of the country; addressing the soldiers in the Tower, in order to induce the soldiers to open the gates of the Tower to them, that they might become the masters of it, and to induce the soldiers to join with them in the rebellion they were at that time exercising against the king and the constitution of the country, are charged as overt acts, manifesting a compassing of the king's death, that is, manifesting their object of levying war against the king.

The second count which is founded upon the statute is, that of compassing and imagining to depose the king: now, in truth, though charged in a different way, it comes to pretty much the same thing; because those, as I have stated to you, who compass and imagine to depose the king from his government as sovereign of the realm, beyond all doubt compass and imagine his death.

The third count of levying war is, I might almost say, simple, as an act in itself—it is the very treason described by that branch of the statute which I have read to you, of levying war against the king. Then what is levying war against the king? Men assembling themselves together in multitudes in a hostile manner, for the purpose of procuring, by force of arms, any general object which those persons so assembled have in view, has been decided to be levying war. Insurrections to pull down prisons; insurrections to pull down Meeting houses; insurrections even to pull down brothers—all those insurrections which have a general purpose, which take place, and are

acted upon as hostile to the general law of the country, are levying war. But in this case it will not be necessary for me, or for any other person, to be asking or to be questioning, whether these persons had any particular private object in view; because it will appear beyond all doubt, that their object was *revolution*, subverting the government of the country, and introducing disorder and confusion, for the express purpose of that subversion.

The prisoner at the bar (for there is only one prisoner at the bar, the privilege which the prisoners have of severing their challenges makes it necessary to try them one by one, and therefore only one of the prisoners is now upon his trial; but though one prisoner only is now upon his trial; yet he) is charged with conspiring, together with certain other persons, named in the indictment, and with other persons to the jurors unknown, in this transaction, which is the subject-matter of the charge; and, therefore, though Mr. James Watson the elder, is the only person on trial at present, yet once connecting him (which I shall do) with the other persons who are charged in the indictment, their conduct also will be subject-matter of inquiry before you, not for the purpose (by your verdict) of pronouncing upon their guilt or innocence, as subjecting them at all to punishment, but will be subject-matter of inquiry before you, because if Watson was engaged with them after that engagement and conspiracy took place, their acts are just as much his acts as if they were committed by himself.

Now I will very shortly tell you what I mean by that. If men are charged with conspiring together, who have a plan to carry into effect, and which it is their object to accomplish, that might be done, and generally is done, by each person taking some part in the course of the transaction, whether settled immediately before or not; that is to say, some performing one part of the operation which is ultimately to accomplish the object, another taking another part, and so on; but if they are all in connection and conspiracy together, to effectuate the definite object intended, the act of each becomes the act of all, and the act of Mr. Thistlewood, or any other of the persons charged in this indictment, if you believe from the evidence that Watson was conspiring with them for the purpose, is precisely the same evidence against Watson, as if Watson himself had committed that act.

If in a conspiracy, or in an actual levying of war, or in a conspiracy to depose the king, the object were to take the Tower of London—I take that for an instance rather than as a specific fact for the present moment; but, after that conspiracy is so made out, or if even in the very transactions which take place, the conspiracy is the necessary inference from the acts—If one comes from the north and the other from the south; if one has been doing something towards effectuating the object one day, and another has been doing something to

effectuate the object on another day, yet still that done by one is precisely the same as far as relates to the other, as if it were done by himself, because all those acts are done with the assent and with the knowledge, and with the conspiring mind of each; that is, when once their minds are agreed together, their separate acts are still considered as the acts of one conspiring mind; of this there can be no doubt, nor is it a position, I think, which will be contested by my learned friend on the other side.

Having stated this to you, I will now, as shortly as I can, detail these transactions, and though, perhaps, in the course of proof, I shall not exactly pursue the same course in producing evidence of the transactions, as I am about to do in the statement, yet it will make this case much clearer and more intelligible, and I do assure you, as far as relates to myself, I have no object upon earth but to endeavour to make it clear and intelligible to your minds.

It will make it more clear and intelligible, if I begin with the transaction as far back as I am furnished with information upon the subject, and detail it to you as shortly as I can, (making it intelligible) down to what I call its ultimate completion. When I say its completion, I do not mean the completion of the object intended by them, but the completion of all the acts they performed, down to the period of the actual insurrection, and war made by them.

The persons who are charged upon the indictment are a person of the name of Arthur Thistlewood, James Watson the elder (the prisoner at the bar), a person of the name of Thomas Preston, another person of the name of John Hooper, together with a person of the name of James Watson, the son of the present prisoner Mr. James Watson the elder.

I would state to you where these different persons, as far as we have information upon the subject, lived at the different periods whilst this transaction was going on. Mr. Watson the elder, the prisoner at the bar, lived, at least for a considerable portion of the time about which I shall have to state transactions, in Hyde-street Bloomsbury—he lived there for some time, but on the 25th of November, it seems he took a lodging at No. 1 in Dean-street, Fetter-lane. I am not sure whether the persons in Hyde-street, Bloomsbury, where he lived, knew that he had quitted his lodgings or not; but he certainly did not, after the 25th of November, appear at his lodgings in Hyde-street, Bloomsbury, but took lodgings at No. 1, Dean-street, Fetter-lane. During the whole course of the transaction, Mr. Thistlewood lodged in Southampton-buildings, Chancery-lane. With respect to another person charged in this indictment, the person of the name of Preston, he had a little before Michaelmas hired a house in Greystoke-place, Fetter-lane, which is not very far distant from Dean-street, Fetter-lane. When I say he had hired a house in Greystoke-place, Fetter-lane,

I ought to correct myself, for Mr. Watson, the prisoner, had hired that house in Greystoke-place, of a person of the name of Wood, who was the landlord of that house, in the month of September—that house was at first taken by Mr. Watson, as a weekly tenant, till Michaelmas, and afterwards it was to be taken by him as a yearly tenant; he did not live there himself; but No. 9, Greystoke-place, was the place of the residence of Preston, one of the other persons charged in this indictment, and it was also the place to which references were made for another person charged in this indictment, of the name of Hooper. There it seems there was a room which was sometimes shown or spoken of as Hooper's room, though it was not furnished; and where Hooper actually lived I am not able to inform you. So that Watson was resident up to the 25th of November, in Hyde-street, Bloomsbury; from that time till the second of December he resided in Dean-street, Fetter-lane, during the whole of that time Thistlewood resided in Southampton-buildings, and Preston in Greystoke-place.

Greystoke-place will be a most important place to attend to, for it appears to have been there that the greatest part of the consultations were carried on, where the means of carrying into effect their plan, were, I will not say originally devised, but where they met for the purposes of consultation, and where the headquarters of this conspiracy were fixed.

In the month of October, a person whom in the course of this cause, I shall call to you as a witness, first became acquainted with Mr. James Watson and Mr. Preston; he had known Hooper previous to that time; the person to whom I am alluding, a witness of the name of Castle, had been a frequenter of a society which exists, or did exist, rather, in this town, called the society of Spenceans, of which many persons are actual members, but the doors of that society are open, I believe, to persons not actually members who may chuse, or not, afterwards to become members of that society. It was at one of those societies held at the sign of the Cock, in Grafton-street, Soho, that the witness Castle first became acquainted with Mr. Watson the elder, and with Preston; he had known Hooper some time before.

It is not necessary for me, nor do I mean, to enter into a discussion and investigation of the principles of that society, but inasmuch as those principles have been alluded to by Mr. Watson, in the course of the transaction, I will just state to you what one of them is: It is, that all exclusive possession of land is unjust; that no man ought to be a private proprietor of land, but, that it ought to be in common, as it were, for the public.* I will enter into

* The Spenceans were the followers of one Thomas Spence, who published in a foolish and wicked pamphlet, the doctrines of his sect. For this publication he was, in the year 1801, tried, convicted, and sentenced to twelve

no discussion of the folly or absurdity of such a principle, which is absolutely destructive of every right of property, and must go to the annihilation of every comfort. The notion that fundholders have no right to the funds in their names, is another principle of this society.

At one of the meetings of this society, the witness became acquainted with Watson and Preston, in the month of October. After they had become so acquainted, Watson and the witness Castle, met by appointment on the next evening at another place, where this society of Spenceans also met; namely, at the Mulberry-tree, which is somewhere in the neighbourhood of Moorfields; for there are different houses in different quarters of the town, at which these societies at that time met, and at which those doctrines were inculcated. At the Mulberry-tree the witness first saw Mr. Thistlewood, him he did not know before; having met Thistlewood, or seen Thistlewood and Watson first at the Cock, in Grafton-street, and afterwards at this house in Moorfields, an intimacy commenced between them; Watson and Castle walked from this society; Watson began sounding the witness on the subject of his principles, and his political notions; and in the course of that conversation, as will certainly be proved to you, talked to him on the subject of the subversion of the government of the country, and how easy it would be in this country to procure that subversion, if the matter were well managed, and well conducted, even by a few in the outset.

In consequence of this conversation, Watson asking the witness Castle where he lived, Castle gave him his address, which was, I think, somewhere in the neighbourhood of Gray's-inn-lane; however, wherever it was, he gave Watson his direction. Shortly after, about the 26th of October, Watson called upon him at his lodgings, and there entered into conversation, and explained to him the object which he had in view, namely, that of endeavouring to collect numbers of persons together, stating the distresses of the times, and of the lower orders of mechanics, and so on; of collecting a number of persons together, and that the object and the design was, to subvert the constitution of the country; and, I believe, throwing out at the same time, that the object was, to carry into effect that plan, of the equal division of the land; and at that time, the conversation was so directly on the subject of open war and rebellion, that Mr. Watson produced to the witness a sort of drawing of a machine which would enable them to act against cavalry, and also a plan of the Tower of London.

months imprisonment and a fine of twenty pounds. Whereupon he printed a report of his trial, in which he introduced all the objectionable parts of the original libel, alleging that he had been permitted to read them in his address to the jury. Concerning his case, see 36 Hans. Parl. Deb. 87, 106, 478.

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Now, stepping a little out of the order I intended, let me here state a most important fact. After the second of December, and when it was discovered where Watson had lived, his lodgings were searched, and in those lodgings were found two papers; one of which is a plan of the Tower. I do not mean a plan well drawn, but still a plan of the Tower; and the other, beyond all doubt, a drawing of an instrument, which I believe is called a cat; that is, an instrument with points and spikes, which if thrown down in the streets, would certainly disable cavalry from advancing and acting: and these two things, that is, the plan of the Tower, and the machine to act against cavalry, were described and shown by Watson to the witness; and long afterwards two papers, a plan of the Tower, and the plan of such a machine, were actually found in the place in which Watson had been living.

In that conversation, the witness expressed a doubt how far they should be able to carry their object into effect, on the subject of money and finances; but Watson stated that they should have plenty of money for that purpose.

In the evening of that day, the same conversation was renewed between the witness and Watson, and Preston, and the declaration was at that time made, that nothing but a revolution could relieve the lower classes of society from the state in which they were; from that day, for a considerable period of time, there were almost daily meetings between Watson and the witness, and between the witness, and Thistlewood, and Preston, and Hooper, though not always all together, but sometimes all together, and sometimes separate: a conversation between all and each of them, when together and separate, respecting the means and mode by which this plan of bringing about a revolution could best be ultimately effected. In one of the conversations, Watson stated to the witness Castle, that when they should be able to use and organize their force, he was to be one of their generals. I think Thistlewood was the first, he was to be the commander of the whole, but Castle was to be one of their generals.

One part of the plan (as it is charged in the indictment) at that time (though that part of the plan appears to have been afterwards relinquished), was, to prevent the soldiers from acting when their insurrection should take place, and to prevent it, if possible, by destroying some of the barracks whilst the soldiers should be in those barracks. Now, gentlemen, let this always be recollected, a scheme of this sort is not to be tried according to the wisdom with which it is devised, however stupid it might be for any man to devise (for God knows, wicked it is beyond all measure), but however absurd it might be for men to conceive that they could in a moment, at least in a short time, carry into effect such a purpose, yet, sometimes the impulse of wickedness is so great that the absurdity of the scheme is by no

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means an argument against the probability of its having been devised and attempted to be carried into execution; and for the purpose of ascertaining how this scheme of destruction of the barracks should be carried on, Watson and the witness Castle went to the barracks in King-street, and in Portman-street. They went also to view the magazine, in Hyde Park, in order to ascertain in what way when matters should be ripe, it would be best that the magazine in Hyde Park should be secured, and the best way of attacking the barracks.

At this time, though the witness had seen Mr. Thistlewood once, yet he had not been actually introduced to him: the journey I have stated to you, taken by the witness and Watson into Hyde Park, for the purpose of viewing the barracks, was previous to any actual conference with Thistlewood on the subject. On the next day he was introduced to Mr. Thistlewood; when he was introduced to Thistlewood, and in the presence of Watson also, there was a consultation upon the subject of procuring pikes, or rather pike-heads—the heads to be put upon the pikes; and it was agreed, or rather proposed to the witness, who happened to be a blacksmith, that he should make those pikes: it was necessary however, that the pikes should be made at the house of some other person than the witness, for I believe he was only a journeyman blacksmith, and had not the means himself—it was necessary they should be made at the house of some other person, but it was agreed, either at that time, or a subsequent time, that the pikes should be ordered.

In the intermediate time, before the pikes were ordered, Thistlewood and the witness went to a great many public houses, to Paddington, and to other places wherever they found that there were persons either out of employment, or indeed I may say a great many in employment, for the purpose of sounding them about their inclinations on the distresses of the lower orders, and to endeavour to persuade them that the distresses were so great that unless some steps were taken—not telling them the steps they proposed to take—but that unless some steps were taken—it would be impossible that the country should go on.

The prisoner and the other persons charged, reporting from time to time what each had been doing to carry this conspiracy into effect, amongst other places Watson directed the witness to go and sound, as he called it, the navigators at Paddington. You know there is a canal, the Regent's Canal, cutting at Paddington, and the persons working on that canal are called navigators; they are cutters of the navigation, men who, from their strength of body, and the mode and manner of their employment, would, if their minds were wicked enough to enter into such a conspiracy, be certainly the most active and zealous partizans in the carrying it into effect. These men were to be sounded as to their principles, in order to persuade them

that the state of things was such that it ought not to last, and in short he was to feel his way amongst them, to see what effect his conversation had upon their minds, so as to rouse them to discontent and dissatisfaction.

Shortly after this, having, as I tell you, been thus employed, he went again to the Cock in Grafton-street, with Watson, Thistlewood, and Preston, and then he actually becomes a member of one of those societies, of which he had only been a frequenter before, namely, a Spencean society; and when he became a member of that society, Watson paid for his admission, I believe he had not money to pay for it himself, but that is not material. Shortly after, about the 31st of October, he for the first time was introduced to No. 9 in Greystoke place; for his previous meetings with Watson and Thistlewood had been at the Cock in Grafton-street, at the Mulberry Tree, or at the houses where they had met at different times, in order to report progress, if I may use the phrase, towards the conjuring up the case, in fact to carry into effect their plan.

When he came to Greystoke-place, he was told by Watson, that he had been made a member of their committee: he had heard nothing before of their having any committee. Whether they had any committee previously I do not know, but they did not communicate it to him, till they thought him perfectly friendly to their purposes, they told him he was a member of their committee; that committee was to consist of six: there was a person who was at that time materially connected, and I may say implicated, in this business, a man of the name of Harrison, who, before they came into the ultimate attempt to complete their object, certainly for some reason or other, I believe from some disputes he had with the younger Watson, or from repenting, quitted their designs; but the committee was to consist of six, Watson senior, Watson junior, Thistlewood, Preston, Harrison, and the witness Castle; at that time Hooper was not one of the committee, therefore the committee was to be six. It was then considered what were the means by which his majesty's forces were to be prevented from resisting their insurrection, particularly the cavalry; for their statement was, that they had no great apprehension of the foot soldiers, venturing to say that in which I believe there was not one word of truth, that they should find some of his majesty's troops who would join them in the purpose. I do not believe it. Whether there may be found in his majesty's troops, as there are in the best classes of mankind, some one or two men who are a disgrace to that profession to which they may belong, which in the best and most honourable stations and professions of life, may sometimes be found, I will not undertake to say. I do not believe there was ever a more false statement than that any of his majesty's troops would have joined them, or would not have resisted any attempts made by them; however, the cavalry was the principal object of their fear, and therefore the ca-

valry barracks were to be fired. Now here, I will go a little out of the order of time, for the purpose of stating a very strong and peculiar circumstance. Some of his majesty's barracks are in Portman-street; a consultation took place upon what would be the best mode to fire those barracks. Mr. Watson was a medical man, and a chemist; he was supposed to be acquainted with the nature of combustible materials; he was desired to calculate the expense of a sufficient quantity of combustibles, with which those barracks, particularly those in Portman-street, were to be fired, and for the purpose of filling the entrances of them: and one of those conspirators stated the nature of that material to be such, that it would soon put an end not only to the barracks, but to the soldiers there, for that they would be stifled, before the fire reached them.

The next question was, how were those combustibles to be deposited in the neighbourhood, so as to be ready to be produced at the barracks, when the time should serve to do this. Why, they were to look about for some house to be let, and it was to be taken under the pretence of being an oil shop; for combustible materials deposited in a house taken for an oil-shop, would afford no suspicion, because every body knows that an oil-man deals in those articles, such as pitch, tar, resin, and other such materials. A house was found empty in Seymour-place; inquiries were made of the person who kept that house for the owner, about the rent, and about the house. They were referred to Mr. Cosser, the owner of the house, who is a respectable timber merchant, living in Milbank-street, in this neighbourhood. The witness was sent to Mr. Cosser for the express purpose of taking this house. Mr. Cosser had no notion for what purpose this house was to be taken: but persons had inquired about his house, and inquiring on the subject of who was to take the house, which I think was to be Watson, the son of the prisoner, he was referred for his character to Thistlewood, in Southampton Buildings. To Thistlewood in Southampton Buildings he went; but Mr. Cosser found that Mr. Thistlewood was only a lodger in Southampton Buildings, and knowing nothing of the parties, or the sufficiency of those who had applied to him, Mr. Cosser refused to let them the house; and in consequence the house was not taken.

This scheme, the firing of the barracks, was afterwards abandoned, and I believe it was abandoned for this among other reasons, but principally because Harrison, who had been a member of the committee about this time, had a dispute with the younger Watson, he was alarmed and frightened (at least so he stated) with the measures they were about to take, he quitted the committee, and said he would belong to it no more. They were afraid that Harrison probably would impeach them; but he did not; yet for fear that should be the case, and any disclosure might take place,

the scheme of firing the barracks was given up and abandoned at that time.

While this scheme was going on on the subject of the barracks, they agreed that they should have pike heads; the witness was sent to a person of the name of Bentley, a smith, for the purpose of procuring a pattern pike, and of inquiring the price of them. Now, if the man had told any blacksmith that he wanted a certain number of pikes, certainly the person to whom that was said, might have strong suspicions that there might be something improper to be done with them, but they were ordered to be such pikes and heads as are used to put upon fences, for rabbit warrens and park palings, in short, that sort of thing which any person might order from a blacksmith, without his suspecting any thing more than that they were to be put up as a fence, or on a wall. The witness went to Bentley, and Bentley made him a pattern pike, that is, one of those pattern pikes, which, in itself, if you were told it was made for a wall or a fence, might raise no suspicion in your minds; but you will see when it is produced, that that instrument fixed (as it must necessarily have been) upon a handle, would be a most dreadful instrument of death, aye! and a very available weapon of war also.

The pattern was brought by him, and shown to Thistlewood and Watson, and others, and he was directed to go back and order 250 of those pikes. Two hundred and fifty pikes were afterwards made; Thistlewood gave him a one-pound-note in advance, which he was to give to Bentley, for those 250 pikes, and the witness went to Bentley, and gave him not the one-pound-note, but ten shillings in advance. The remainder of the money was to be paid when the pikes should be finished. A short time after that the pikes were made, the pikes were fetched away from Bentley's by the witness and the younger Watson, in two nail-bags which were purchased by young Watson, and they were carried to Hyde-street, where Mr. Watson at that time lived, because this was long previous to the 25th of November, and Mr. Watson did not leave Hyde-street, and go to Dean-street, till about the 25th of November.

What afterwards became of those pikes the witness did not know, but I shall prove to you a most extraordinary corroborative fact, for I shall show you, that in consequence of every search being attempted to be made after this disclosure, as to what could have become of those pikes, the privy belonging to the house in Hyde-street, Bloomsbury, to which the pikes were carried, was emptied and searched, and in that privy were 199 pike heads out of the 250 that had been ordered and carried there, by Watson's directions.

At different times—for I will not detail to you every minute circumstance and conversation that took place at the different times these persons met—it was agreed, that Thistlewood should have the chief command, as he was the

person who furnished all such money as was necessary for the carrying on this transaction. Mr. Watson, the prisoner, was to be the second in command; Harrison, at that time, before he quitted, was to be the third: the witness was to be fourth; young Watson the fifth, and Preston the last in command; and the reason given was, because he is lame, which is the case.

At that period of time it was intended, that something like insurrection should take place on the 10th of November; but Harrison quarrelling with them about that time, and the plan to burn the barracks being at that time given up, it was agreed, that it should not take place on the 10th of November; and then it was, that the idea was first suggested of a meeting in Spa-fields, or some other place;—Spa-fields was not at that moment agreed on;—but for the purpose of congregating together a number of persons, and hoping to have a number of those whom they had been tempting and sounding, as they called it, and filling with notions and suggestions, that without revolution, or without some great change, it was impossible society could go on.

I have a most material and important fact to state to you here, that about that time a committee of public safety was named; let me do the gentlemen, whose names are to be found in that committee of public safety, the justice to say, what I believe, that there was not any one of them who knew any thing of these plans which I have been detailing, or who had the smallest conception, that their names had ever been put down to act as a committee of public safety: I do not believe they knew any thing of the matter; but a committee of public safety was to be formed, and they were named. When Mr. Watson was taken, after the second of December, certain papers were taken in his pocket—there was a list of the committee of public safety found in his pocket amongst the papers taken from him on the 2nd of December—"Committee P. S."—I read the names upon the committee, not for the purpose of having it understood, that a single individual there knew any thing at all about the matter—"Committee P. S: Sir Francis Burdett, Lord Cochrane, Mr. A. Thistlewood," that is one of the prisoners, "Mr. J. Watson," I presume, the prisoner at the bar—

Mr. *Wetherell*.—The jury are taking down all these statements as true—I do not know whether the jury are taking down all these as facts proved.

Lord *Ellenborough*.—How can we know what the jury are taking down?—they are taking them down as I have been taking them down, not as facts proved, but by way of illustration of the case.

A *Juryman*.—Not as evidence, certainly, my lord.

Mr. Justice *Bayley*.—They will compare them by-and-by, with the evidence.

Mr. *Attorney General*.—Gentlemen, I am sure you have attended too often on juries, to take statements for proofs.

A *Juryman*.—It is only for my own information that I take what I am doing, my lord.

Lord *Ellenborough*.—I was sure it was so, gentlemen.

Mr. *Attorney General*.—Gentlemen, I am stating that which I believe I shall prove, for if I did not believe I should prove it I would not state it:—it is impossible for a counsel to be responsible, that that which he states shall actually be proved; but I should be unworthy the station I have the honour to hold, if I stated any thing to you, which I did not think I should prove by the witnesses I shall call. I say, in the pocket of Mr. James Watson was found a paper, of which I have the original, and which now I am merely reading—it is to form the committee, "Committee P. S. Sir Francis Burdett, Lord Cochrane, Mr. A. Thistlewood, Mr. James Watson, Mr. Gale Jones, Major Cartwright, Mr. T. Evans, H. Hunt, Esq. Mr. Hardy, R. O'Connor, and Mr. Blandford."

I have stated to you, that the witness will prove, that at this time the committee of public safety was named; whether the witness knows, or can recollect the names of any or all of them I do not know; I think it is very likely he does not, but that a committee of public safety was named will be proved—and it will be proved that at a subsequent period, the paper I have read to you was found in Mr. Watson's pocket. I believe that it will appear, that of the committee first named, whoever they were, at different times, and at different consultations, before the period of this explosion, if I may so call it, had taken place, some of the names were changed; but the important circumstance I have to state to you is, that a committee of public safety was agreed to be named, and that in the pocket of the prisoner James Watson, when taken, a paper was found, with names for the committee of public safety.

Shortly after this, or somewhere about that time, it was agreed that a meeting should be called in Spa-fields, and the project was, at first, that at that meeting in Spa-fields they should burst out into an actual insurrection, which did certainly not at that time take place. That they were the persons who called that meeting—that they were the only persons who originally thought of calling such a meeting, will, I believe, be perfectly proved to you; the name of a person of the name of Dyall, was put to the advertisement to call that meeting; he had been at some previous meeting, but his name was put to the paper; he not being there at the time, though he afterwards gave his assent, his name having been used, and that advertisement was published by Watson, or some of these parties. As far as relates to that advertisement to call that first Spa-fields meeting, I do not mean to say that there

is any thing which imports upon the face of it treasonable purposes—certainly not; it professes to be a meeting of the manufacturers and mechanics in a situation of distress, for the purpose of applying to his royal highness the prince regent to adopt some measures for the relief of their distresses; and, upon the face of that paper, I should make no observation standing by itself: but that which I have stated is this, that having conceived the nefarious plan of revolt and revolution, they have published a paper, marked upon the face of it with the highest degree of criminality in the world; to assemble the poor and the distressed, and those whose passions are in consequence of their distress, likely to be worked upon by that which they were told might alleviate their distress: the people are called with the voice of innocence, in order to be converted into the instruments of guilt—I do say, that the language of that first hand-bill is, in my opinion, worse than if it had professed upon the face of it something seditious; for there are many poor and unfortunate men who would go to a meeting, where it was held out to them that something would be proposed to alleviate their distresses, who, if they were warned of the bad purposes of those who called it, would say “no, I will not go, for feeble nature is too frail, to trust itself upon such a subject;” and I do state that there is nothing more wicked than calling the lower orders together, concealing from them what your real objects are, and professing to hold out only those which are beneficial: I cannot help thinking, that in point of moral guilt against the happiness of men, and of justice due to our fellow creatures, there cannot be a higher crime than that of telling a man that you call him and others together for one purpose, when you mean to apply and to use him for another object; taking a wicked advantage of the infirmities of human nature, as no man can answer for himself, if he comes under the pressure of distress and of necessity.

That meeting was called. It was originally intended that there should be some explosion there, but it was necessary that they should apply to some person (as they thought) for the purpose of taking the lead at that meeting. I do not mean the lead on to revolt and rebellion, but the lead as being the spokesman of the meeting, and in consequence they applied to a person of the name of Hunt, who lives in the country. I do not believe they explained to Mr. Hunt any thing like their ultimate object. They wrote to him, that there was to be a meeting of artisans and of mechanics, and they desired that he would attend that meeting; and he (so far at least as it was reported by Mr. Watson himself) said, that they must be peaceable at that meeting, and that there must be no disorder; and, I believe, that finding their schemes were not ripe at that time to be effected, and the necessity of being peaceable having been stated to them by Mr. Hunt, when they went to the meeting on that day, it was

not intended that at that meeting there should be a breaking out into insurrection.

The particulars that took place at that meeting, I will not describe; they will be described by the witnesses—inflammatory enough. There were speeches made, sufficient to rouse the poor and the distressed, but nothing to urge them on to present acts of violence. After that meeting they all went to dine together in Bouverie-street, where Mr. Hunt had put up. I mention these circumstances to shew you, that I shall prove that this defendant and the others charged, were acting in concert together on the subject of this meeting; with what view and what purpose, is to be proved by other circumstances: but that they were all acting in concert together at that meeting. A proposal had been made that they should adjourn it till after the Parliament met, in order that they might present their petition, or that their petition might come as a subject-matter of consideration before Parliament, when it should meet, which was not to be till the month of January. Young Watson objected to that long postponement of the second meeting, and moved that instead of waiting till after Parliament had met, a meeting should take place on the second of December, which, from the fifteenth of November, would be seventeen days.

It was agreed, that there should be a meeting on the 2nd of December, and I will now proceed to the intermediate transactions between that meeting on the fifteenth of November, and the meeting on the second of December. I should tell you, that to that meeting on the fifteenth of November, they went with a tri-coloured flag, with an inscription upon it, God knows, inflammatory enough, looking at it in one point of view; the inscription upon that flag was, “Nature to feed the hungry—Truth to protect the oppressed—Justice to punish offenders.”—Of the nature and the intention of this address, I will leave you to judge.

Between that 15th of November and the 2nd of December, each and all of those persons were industriously employed in going about to different public houses—in going to where the Smiths were at work; in going about to public houses in the neighbourhood of the Theatres Royal, to which the soldiers who attend at the different theatres retire when they are off guard, and in using all sorts of means of inflaming the minds of the lower orders of people, and of making them dissatisfied with the Government, and with every thing which constitutes the existence of society. They were most industriously employed in all those transactions; but shortly before the 2nd of December they came to more material and more important consultations, as to what ought to be done on that day. The advertisements that were to be put forth for the 2nd of December, and the placards which men were hired to carry about on their backs, and distribute, were of a very different sort from that advertisement

published for the purpose of calling the first meeting—for that for the meeting on the 2nd December, is in these terms: “England expects every man to do his duty.—The meeting in Spa-fields takes place at 12 o'clock on Monday, December 2, 1816, to receive the answer of the petition to the prince regent, determined upon at the last meeting held in the same place, and for other important considerations; the present state of Great Britain—four millions in distress—four millions embarrassed—one million and half fear distress—half a million live in splendid luxury, our brothers in Ireland are in a worse state—the climax of misery is complete—it can go no farther—death would now be a relief to millions—arrogance, folly, and crimes, have brought affairs to this dread crisis—firmness and integrity can only save the country.”

There is at the bottom of this a note, and, reading that note, coupled with the previous part that I have read, I think there never was any thing more insidious than it is. Let any man read that paper, and say, whether it could be written with any other spirit—and particularly by men of whose conduct I have stated that which I have on the subject of their previous consultations—of their ordering pikes,—of their conspiracy to destroy the barracks, and so on—without seeing that it was intended to inflame the passions of the multitude, and make them believe that the crisis, as they call it, had arrived, in which they should break out to destroy the Government? The note is this, “After the last meeting, some disorderly people were guilty of attacking the property of individuals—they were ill informed of the object of the meeting; it was not to plunder persons suffering under these calamitous times, in common with others; the day will soon arrive, when the distresses will be relieved; the nation's wrongs must be redressed.” I shall be happy to hear what explanation of that paper my learned friend can give, when he comes to address you. For what earthly purpose I would ask, could such a paper as that, be written and published and circulated, and placarded about the town, unless it was to persuade those who should come together to that meeting in Spa-fields, that the crisis was arrived in which nothing but force, which they were to use, could, by possibility, redress their wrongs? And that is not rebutted by the recommendation to these people who came, not to plunder others who plead distress; this is applied to some boys having broken into bakers' shops, and taken away loaves, after the first meeting; but can any man read it, without seeing, that the object was, to stir up the passions of those who should be assembled there, to insurrection, and to hostile force, and rebellion? These bills were industriously circulated, for the persons were instructed to deliver them where there were persons congregated—where there were soldiers, and amongst those persons upon whose minds they would be most likely to produce that effect which was

intended to be produced. Previous to that day also, the witness, whom I shall call to you, together with young Watson, and other persons, went, in order to view the Gunsmiths' shops—in order to look at the Ship-chandlers, who had stores of ammunition in their hands,—they went about also soliciting subscriptions; but it will appear to you, that one of the ways in which they were to effectuate this was, when they had got the people together, to go and provide themselves with arms, by attacking the Gunsmiths' shops, and taking away the arms from those shops.

There was one proposal which, to be sure, does strike one as very extraordinary, and it was this: they were still apprehensive of the soldiers, and one of them suggested how the soldiers might be disarmed; when I say disarmed, I do not mean how their arms might be taken from them, but how they might be prevented from using any force against the mob, (for I may call them so) that Watson and the others intended to have as their forces, and it was this—that they were to dress up a certain number of young women, in tri-coloured cockades, and tri-coloured dresses, who were to march in front of their party, and that then the soldiers would feel that generosity and British spirit about them, that they would not fire upon the mob, when in so doing they must necessarily put to death some of those unfortunate young women, who were to be the first. If that was so devised, I do say, a more wicked and more diabolical means of effecting any purpose hardly ever was suggested—to sacrifice, or at least to put into a situation of being sacrificed, unfortunate young women, for the purpose of influencing the soldiers or other persons, not to act against those who were engaged in this object.

The second of December was now approaching, and therefore it became material that what was to be ultimately done then, should be carried into effect by some means or other; and I think it was on Saturday the 30th of November—there will be many other circumstances detailed to you—but on Saturday the 30th of November it will appear, that there was a consultation, particularly on the subject of arms; it was then agreed, that young Watson should go and purchase a couple of brace of pistols, which pistols he did purchase; and a brace of pistols were found upon Hooper, one of the other conspirators, when he was taken at the Royal Exchange, by the exertions of the lord mayor, now sitting on the bench, and an honourable alderman, also sitting on the bench; with respect to the other pistols, Castle, the witness, told those parties he had seen pistols at a shop in the neighbourhood of Paddington—he was ordered to go and buy them—he went, and made a deposit of a certain number of shillings—he was ordered to go and look at them again, and he purchased those pistols; he afterwards purchased a sword and a sabre at other places, and all those purchases will be proved by the persons

of whom he made them, and all those articles were carried to Greystoke-place—at Greystoke-place they were all to meet on Sunday the 1st of December—there were there, Preston, Watson, Hooper, young Watson, the witness whom I shall call to you, and another person, whose name it is not material to mention, who is not the subject of prosecution, a person of the name of Keenes; I do not mention his name, as meaning to implicate him in guilt upon this subject, for many reasons; the party that were there were all to dine there except Mr. Thistlewood, because he was engaged as he stated, at his own house at 4 o'clock, and that two persons of the name of Evans were coming to dine with him; but their plans were to be arranged, that it might be seen what they should do the next day—it was there agreed, that the next day several of them were to go to Spa-fields.

But I should have told you, that previous to Sunday it was necessary they should have a waggon, or a stage, for the purpose of their making addresses to the people at Spa-fields, and that they employed Castle the witness, for the purpose of endeavouring to procure a waggon; Castle went to several places for the purpose of finding a waggon, but was not at first successful; at last he went to a smith, a Mr. Ware, a friend of his, and asked him whether he could tell him where a waggon was to be hired—he recommended him to a person of the name of Windermude, in the Horse-ferry road, and he hired his waggon to be at Spa-fields on the Monday; he was afterwards sent to desire that that waggon might be brought to Holborn, where he should receive directions what he was to do—this was to be done before the Sunday: Castle was sent to Windermude on the Sunday, and was ordered to get the waggon on the next morning to the top of Chancery Lane; Windermude was also desired to dress his horses with the tri-coloured ribbon, and ribbon was offered to him for that purpose, but he positively refused.

On the Sunday, when they were all together in Greystoke-place, the plan was settled for the next day; that is, that they were to take the waggon there; that they were to go armed with their pistols and their sabres; that they were to break into the gunsmiths' shops, for the purpose of the persons with them arming themselves, and then they were to march away, as they said, to the old lady and gentleman. Now, let me explain what they called the old lady and the old gentleman. The old lady means the Bank; and the old gentleman means the Tower. It was at that time stated, or rather agreed, that the witness Castle should not go to Spa-fields with them, but he was to go to the east end of the town, and if he found any persons collected together in the nature of a force, he was to go and see whether he could take the Tower. Preston and the other persons were to go to different parts of the town; how it happened that that was not ultimately done, but that all these persons,

except Castle, found themselves together in Spa-fields, at the time of the meeting, on the Monday morning, instead of being thus divided, I do not know, but Castle had no more to do with the transactions of Monday morning in Spa-fields (for he was not there) save this, that he went in the morning and ordered Windermude to bring his waggon to the top of Chancery lane. Windermude brought his waggon to the top of Chancery lane. While he was there, two gentlemen who will afterwards be proved to you to be two of the prisoners, came up to Windermude, and asked him whether he was going to Spa-fields, he said yes, he was waiting there for his orders; they told him not to tell any person where he was going, and they came back at the time when Castle and Hooper came to the waggon to proceed to Spa-fields. They brought to the waggon the flag which was used on the 15th of November, with the inscription of nature, truth, and justice, which I have stated to you. They brought also a banner, on which there was inscribed "The brave soldiers are our friends;" and they brought also another flag, a tri-coloured flag. Those things were put into the waggon, but wrapped up so as not to be seen by the persons passing by. A blanket was fetched from Preston's to cover them over, and they also put into the waggon, powder, shot, and ammunition. The waggon went on, and Castle, the witness, went away. He can therefore tell you no more of what was done in Spa-fields, but what was done in Spa-fields I will now shortly describe to you, and then you will judge, whether those persons, purchasing arms in the way in which they did—going to those meetings with those arms—having ammunition in the waggon—raising a mob to attack all the gunsmiths' shops, which mob armed themselves with the arms taken from the gunsmiths' shops—whether you can have any doubt that all this together amounted to a levying war; to an insurrection for the purpose, I say, of destroying and subverting the constitution of the country; and if so, for the compassing and imagining the death of the king, and an actual conspiring to levy war for the purpose of deposing him, and obliging him to change his measures.

Before I come exactly to Spa-fields, I have told you, that, on Sunday, it was agreed that different persons should go to different parts of the town, who did not, for they went to Spa-fields, and it was stated that there were to be divisions in different parts of the town; some on London Bridge, some on one side of the town, and some on the other, in order to march to the Tower, for the purpose of attacking it. Now there is a most extraordinary and strong confirmation of that, for I have already told you, that when Mr. Watson the elder was taken on the night of the second of December, a paper, purporting to be a list of the committee of public safety, was found in his pocket. I will now shew you, that there was also found in his pocket a paper, which is ob-

visually and manifestly a plan of action, and where the different forces were to assemble, and to come from, and so on, for the purpose of going to the Tower, and the Bank, for amongst those papers found in his pocket is this, "Smiths Westminster Road, collect and meet, form three divisions," that is, working men smiths, "form 3 divis." ion is struck out, "at London Bridge, and proceed to the old man," that is, the Tower. "Smiths Westminster Road, form div. collect numbers and meet at London Bridge, where will be met and be led to the old man." All this in the same paper, "Paddington to proceed to Saint Giles's, barricade each side to Holborn-bars, branch off to T. B." meaning, as I apprehend, Temple Bar,—"barricade Chancery Lane and Carey Street." Then, gentlemen, on the other side is this: "1. Saint Giles's, Saint Andrew's Holborn, broad part of Holborn-bars, Chancery-lane," that is one division. "2. Carey-street, Temple-bar. 3. Theobald's-road, Gray's Inn-lane, Elm-street. 4. St. John-street, Old-street-road. 5. Whitechapel. 6. Tower. 7. Bank. 8. Poultry." Now that very paper was found in the pocket of Mr. Watson, at the time he was apprehended on the night of the second of December, when he was certainly quitting London, and apprehended by the purest accident upon earth. That very division was settled and agreed upon on Sunday, the 1st of December, at Greystoke-place, or at least a division of the troops very much similar to that. And at that time also a map of London was produced to them, when the order and course of proceeding were agreed upon between them.

I have omitted to state an extremely important fact, and have gone on to the second of December rather sooner than I ought to have done. The former meeting had been adjourned to that second of December; it was expected, of course, that Mr. Hunt would come and, not take the chair, but that he would come and address the meeting: why it was, that these conspirators thought it was better not to wait for Mr. Hunt, I do not exactly know; but certain it is, that they thought it more expedient for their purposes, that they should begin before Mr. Hunt came—and they said they would be there before Mr. Hunt came—and stated that amongst themselves, in order that they might lead the persons on, who would join them, to insurrection, before he should arrive.

To Spa-fields they went, and there Thistlewood, with Preston, Hooper, and the two Watsons, ascended that waggon into which they had just placed those arms and ammunition, each and every of them being armed himself. I will now read to you what will be proved to have been stated by James Watson the elder, from that waggon—what was said by James Watson the younger, from that waggon—and then I will state to you the acts immediately consequent upon those statements; and if any man can then say that this was a

mere sudden ebullition of mind, or that it did not arise from a previous deliberate conspiracy to insurrection and rebellion, let him say it, but I am quite sure he must have a most extraordinarily perverted understanding, if he does not see, that all this was the effect of a previous concerted plan to effectuate the object, which was nothing else but insurrection and rebellion, for the purpose of overturning, as far as they could, the government of the country, and obliging the king to change his measures; but for the purpose of their revolutionary measures being followed by that which they necessarily must be, an actual deposition from the throne, and the destruction of all law and government in the state in which we live. Good God, gentlemen, let us consider for a moment what would have been the consequences of that day's mischief, or the subsequent measures, if it had not been stopped: if armed men marching from Spa-fields, as they did, had got into the plenitude of power, whose life, or whose property would have been secure? should we not have been in an actual civil war, at least during the time any contest would have lasted, in which all the horrors incident to a state of anarchy might have been expected. Is there any man who did not want an actual state of confusion, and bloodshed, and rebellion, that could have conducted himself in the way in which the prisoner at the bar has conducted himself, together with the others? I am quite sure it is not possible to come to a contrary conclusion, if these facts are proved.

I was about to state to you that I would read to you what those addresses were, that were made by the prisoner at the bar, and by his son. This is Mr. Watson the elder's address—"Friends and countrymen, we are convened this day in consequence of the resolution passed at the last meeting, to hear the answer to the petition, which we agreed to present to the prince regent. I cannot refrain from expressing the pleasure I feel at addressing so many of those who were present when we last met, because they will be best able to appreciate the manner in which our prayers have been treated. You will recollect, that Mr. Hunt was deputed to present our petition to the prince regent, in the hope that he would give an answer to the cries of starving thousands; I have to inform you however, that the prince regent has resolved to give no answer; it is useless therefore for us to pursue that course: we are now called on, then, to see whether the people of England will suffer themselves to be treated with contempt—we are called upon, because four millions of our countrymen are in distress."—you recollect the paper I read to you, which was four millions in distress, and four millions so and so.—"because so many more are in fear of distress and imprisonment, whilst half a million only are enjoying splendid luxury—only half a million of the number stated in this placard" [pointing to the bill which has been so generally circulated about the metropolis]

"are free from the apprehensions of poverty or death: I ask you, under these circumstances, friends and countrymen, if ministers have done their duty in advising the prince regent not to bear our cries," then there were exclamations of no, no, and so on—"has the prince regent himself done his duty? Was there ever a more calamitous time in this country than at this moment? it is not only this country which has been thus oppressed—our sister Ireland has shared in our misfortunes—there the climax of misery has been brought to a close—there their sufferings cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? The present then is the time for us to do something. What?" that is the question he puts, "will men, with minds and hearts of Englishmen, continue thus for months and years to be starved? How then are we to be restored to our rights? Not by talking—not by long speeches—not by petitions, for our petitions are not heard. It appears that we have been placed in a state of bondage for years, and this because the rights of civil society have not been attended to—the calls of the multitude, from time to time, have been neglected—that parliament, which should be solicitous for the protection of the people, have been invited to assemble together, to take into consideration the distresses of these calamitous times, to consider, in their wisdom (if they possess that wisdom), the best means of affording relief in this distressing state of things—to consider the situation of the dying multitude—but in vain. It rests with ourselves then to consider how we shall relieve ourselves in these calamitous times; we have been told very truly, that trade and commerce have been annihilated, but still the earth was by nature designed for the support of mankind—the earth," you see here a recurrence to those Spencean principles to which I alluded in the outset—"the earth is at all times sufficient to place man above distress, and in a comfortable situation; if he had but a spade and a hoe to turn up his mother earth, he has the means of averting starvation. In the situation in which we are placed how is this to be accomplished? I will tell you, I have said, that the bonds of society have been neglected. They (his majesty's ministers) have placed us in a situation of misery—they have neglected the cries of the hungry and starving people; there is not a day in which we pass through the streets of this great metropolis that we do not see people starving to death. Are they ignorant of this? If they are, they ought not to be: but they are not—they know well, that the people are starving in every part of the kingdom, and yet will admit of no measures to relieve them. Will they now hear our cries? Have they not been supplicated in the language of forbearance and patient suffering? Have we not been in a state of bondage longer than the Israelites?—they were in bondage but four hundred years?"

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but we have been longer, ever since the Norman Conquest—kings have been admitted by you to do as they liked—they have in many instances converted you to their own wicked purposes, but this must not last any longer." Mr. Watson then stood down, and made way for his son.

Now, gentlemen, it is impossible to read this paper, without seeing what is meant by it: "Have we not been in a state of bondage longer than the Israelites?—they were in bondage but four hundred years; but we have been longer, ever since the Norman Conquest—kings have been admitted by you to do as they liked—they have in many instances converted you to their own wicked purposes, but this must not last any longer." I do say, gentlemen, it is impossible to misunderstand that, as it seems to me—the Norman Conquest has put kings upon us: this must not last any longer; the king must not remain as king of this country, and we must not have kings of this country.

Mr. Watson stood down, his son then, in the presence of his father, addressed the meeting. "The last time we met in this place, I had the honour of saying a few words to you. My fellow countrymen, I was the person who proposed the resolution for our meeting again this day. Some were of opinion that our meeting should be adjourned to the first day of the meeting of parliament, but I said that it was not in our power to tell when parliament would meet, or whether they would meet at all. At that time we agreed to present a petition to his royal highness the prince regent; this petition we had been told was presented, but answer there was none, except that the prince regent nor any of his family ever attended to the prayers of the people, unless through petitions from the two universities of Oxford and Cambridge, or from the corporation of the city of London; in a word, he will not attend to the prayers of the people; this man calls himself the father of his people—is it not the duty of a father to protect his children? Does he do so? No. He treats your complaints with indifference, and tramples on your rights. There is no luxury which he spares, because he knows the expense: must come out of your pocket. Are we to submit any longer to this? will Englishmen any longer suffer themselves to be trod upon, like the poor African slaves in the West Indies? We must have relief, but how is this to be obtained? Have any attempts been made to relieve you? Yes, such a pretence has been made since our last meeting, in consequence of the resolutions which we passed, and the firmness displayed by the people calling for relief, some persons have come forward to give us ox-cheek soup, and ox-bone broths. Those have come forward with their two hundred, who should have come forward with their one or two hundred thousands. Do you believe that those people are sincere in their wishes for your welfare?—Do they not come forward to rob you of all you possess,

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and then give you a penny to pay the turnpike? The prince regent, in his great generosity, has given you five thousand out of the funds which do not touch his own pocket—he robs you of millions, and then gives you a part of the spoil. My friend has been described by the Treasury journals as a second Wat Tyler: no bad title, for be it recollected, that Wat Tyler rose for the purpose of putting down an oppressive tax, and would have succeeded, had he not been basely murdered by William Walworth, then lord mayor of London. But we have no bull-rush lord mayors now, and if he was surrounded by thousands of his fellow countrymen as I am, he need fear no lord mayor whatever. It seems the determined resolution of ministers to carry things in our way; or as they call it, ‘Our sovereign lord the king will carry every thing with firmness;’ that is to say, they will carry the business in defiance of the voice of the people. If they will not give us what we want, shall not we take it?” There was a cry among those who stood round the waggon, “Yes, yes!” upon which Mr. Watson put the second question, “Are you willing to take it?”—“Yes!” was the answer. “Will you go and take it?”—“Yes!” was the cry. “If I jump down amongst you, will you come and take it?”—“Yes!” from a great many voices, and so on at that instant. “Will you follow me?”—“Yes!” was the cry. Upon which down jumped Mr. Watson from the waggon, and then the mob proceeded to those outrages which I am about shortly to state to you. They rushed in a tumultuous body, headed by young Watson, and with old Watson with them; they proceeded from that place, with Thistlewood and the others, and they were intercepted by some of the police officers, whom I shall call to prove to you that which passed upon that subject. They had their flags and their banners—flags—one of which had the inscriptions I have described to you; and the banner which had on it, “The brave soldiers are our friends, treat them kindly,” Treat the brave soldiers kindly! What had a peaceable and unarmed body to do with treating the brave soldiers kindly? Why, gentlemen, it was inscribed upon that banner for the purpose of seducing the soldiers, if it should be necessary to call them out for the purpose of beating down that insurrection which they were about to attempt.

Another thing give me leave to state; there were tri-coloured flags and banners, and the cockades those persons wore were the tri-coloured cockades. Let us recollect, under what ensign were those horrors committed, in a neighbouring country, which every man shudders when he recollects, but under the tri-coloured?—it was the ensign of every thing that was anarchical and revolutionary, it became at last the national standard of tyranny and usurpation, that into which anarchy generally falls, but it commenced as the ensign of anarchy and revolution. Why was that tri-coloured flag adopted here, but for the purpose,

if possible, of holding up as an example (for the purpose of having that example followed) all those revolutionary and horrible scenes which took place in France, not five and twenty years ago? For what other purpose I should like to know, were those colours peculiarly adopted? It is at all times most dangerous, most dangerous indeed, when very many persons are assembled together for any purpose, to adopt an ensign, or a standard, nothing so dangerous, even if persons originally assembled for innocent purposes; when that is adopted, it becomes as it were a rallying point of dissatisfaction; it becomes an encouragement, and let us recollect, that several years ago in this country, and in this town, though the flag was not a tri-coloured one, yet half this town was in flames, from the blue ribband that was hoisted in the time of lord George Gordon.

When the mob rushed to get out of Spa-fields for the purpose of going to the Tower, in hopes of getting possession of that place, and to the Bank, also in hopes, if they got possession of the Bank, that that might furnish them with finances and means of carrying on their scheme; they were met by the police officers at the corner of the fields, a struggle took place, and some of those banners were taken away from them, with others they went on, and with the rest they proceeded towards the city. What were the first places they attacked? the gunsmiths’ shops; and for what purpose? but to arm themselves, and put themselves in battle array against the laws and the constitution of their country. Why were the gunsmiths’ shops attacked more than any other? Why was Mr. Beckwith’s, which was the first gunsmith’s they met with, except that it might furnish them with arms, afterwards to effectuate their purpose. I will not particularly detail to you what took place at Mr. Beckwith’s; it was burglariously entered and plundered, arms were taken from it, and the very object with which they went, was declared by those who went, by saying, that arms they would have; and let it never be forgotten, that when young Watson went into the shop of Mr. Beckwith, on being expostulated with by an unfortunate young gentleman, Mr. Platt, who happened to be in the house, he took a pistol from his pocket, and shot that gentleman, though, thank God, it happened he did not kill him. On this transaction taking place at Mr. Beckwith’s—for I would rather have this stated by the witnesses, than detail every circumstance—those arms were forcibly taken; the mob were encouraged to break into the house, and take every article of arms and ammunition, and with these arms so taken in their hands, they proceeded afterwards towards the Royal Exchange, firing guns and pistols, and proceeding in that tumultuous manner, which will be described to you by the witnesses, in fact, in open and flagrant rebellion. At the Royal Exchange, a part of them were met by the lord mayor and sir James Shaw; part of them got more to the eastward than the Royal

Exchange; I believe one of those persons discharged two guns at my lord mayor; one of the persons (who, though not upon his trial now, is one of those charged with the prisoner James Watson the elder, I refer to Hooper) was taken with arms upon him in the Royal Exchange, which arms will be proved to you to have been purchased by young Watson, on the 30th of November, the Saturday before this meeting, in consequence of the concert amongst themselves at that time, that each should furnish himself with pistols, and with arms, for the purposes of Monday. Young Watson purchasing two brace of pistols of a gunsmith, Mr. Mills, one pair of which were the very pistols that were found on Hooper, one of the conspirators and traitors who were taken by my lord mayor, at the Royal Exchange.

Although that party were stopped at the Royal Exchange, the others, or many of them, proceeded on towards the Tower. What were the objects of their attack?—the gunsmiths shops; for when they went into the Minorities, the shop of Mr. Rea, a gunsmith at that place, was immediately attacked. Mr. Rea had shut up his shop, and they went over to the other side of the way, and attacked the house of Messrs. Brander and Potts, who were gunsmiths, and took all the arms that were to be found there, together with a field-piece which was there, which was afterwards taken from them: and while in this course of proceeding to the Minorities, which was not far from the Tower, a person advanced from the rest of the mob, followed not by a great many I agree, but a person advanced with a sword in his hand, from the rest of the mob, who, I believe it will be shown to you, was Mr. Thistlewood: he advanced to the Tower, and got upon the rails, and addressed himself to the soldiers, desiring the soldiers to open the gates, stating that they should have a hundred guineas a-piece, or double pay: he was followed, it is true, by very few. Just at this time, his majesty's troops, the guards, came into the Minorities, and as soon as they made their appearance, or very shortly afterwards, those who had armed themselves with these guns and pistols, and were firing them off, ran away, and there was a prevention of the mischief of that day being carried further than it had been.

Now, I would ask, whether it is possible for any human being to doubt what was the object of this? If it was not insurrection, what was it? Why were all those arms purchased and procured, which will be proved to you by the persons of whom they were purchased, and of whom they were procured? Why was that ammunition put into the waggon? Why were those speeches made by Watson the elder, and Watson the younger, except for the purpose of exciting to rebellion and insurrection? Why were those measures taken to obtain arms? Why was any approach made to the Tower by any one person?—It may be said, "the Tower taken by one man's advancing, with only a few at his heels!"—No; the Tower was not taken;

but the question is, whether there was a conspiracy, a consultation, and an intention to do so; for I care not how far they had gone towards the conclusion of it, provided they had so far gone towards effectuating their object, as to show what their object was: now, I should like to hear my learned friends state what the object, by any possibility, could be. That James Watson the elder, was one of the persons conspiring to effect these objects, I will prove: what then was the object, except that of levying war? nothing, but that was done, and nothing short of that was done.

After this, when peace was so far restored that the rioters were dispersed, the Watsons, and Thistlewood, and Hooper, came back to Watson's lodgings in Dean-street: there Thistlewood, and Watson, and young Watson, packed up some linen and some clothes, saying they should go into the country, and promising to write a letter under the name, I think, of John Williams, to be left at the Red Hart in Shoe-lane. They left their companions, they left the witness, and they left Preston, and they went away, and disappeared from London on that night. It happened, that in going along the Highgate-road, one of the patrols there had received information upon the subject of some robbery having been committed, I believe, in the county of Essex, and on finding three persons walking along the road, and one of them with a bundle at that time of night, he having no notion of their being any of the persons who had had any thing to do with the transactions in London, desired them to stop; Mr. Watson was the person whom he stopped—he said he had no objection to show him his bundle; the man looking at his bundle perceived under his coat a pistol; his suspicion of their having something to do with the robbery increased, and he insisted on stopping them. He seized Mr. Watson; the other two persons who were with Watson, fired their pistols at the patrol, and Watson was seized and secured, and in his pocket were taken those papers I have stated to you. He was armed with pistols at the time, and being left in the custody of men, for the purpose of securing his person, he had a scuffle with those persons; he drew his dirk and one of them was wounded.

There is no other part of the transaction subsequent to that time which it is material to state, as against James Watson; what the others may have said at any subsequent time, I am not now about to state to you: whatever they said, and whatever they did, though separately and singly each from the other, during the time the transaction was going on, will certainly be to be considered (they being connected together) as evidence against each: it is as it were a part of the *res gesta*, of the transaction; but any thing that was stated at a time long subsequent by either of the other persons, I will not state to you at present.

I stated to you, in the course of my opening, that though I began with the transaction from

the earliest period, I should not probably follow it in the course of proof. I shall begin (before I call the witness who states the early part of the transaction) with the transaction which took place previous to the 15th of November, down to the 2nd of December. I shall then call to you, the witness whom I have alluded to, who will tell you the whole of the transaction from the beginning; and I shall afterwards call to you a great many witnesses, to confirm that witness in some of the most material and important facts of the transaction. That witness is subject, gentlemen, to this observation, that certainly in the conduct of this business, and in this transaction, he must be considered as having been an accomplice; for so he was beyond all doubt. The law of England, however, admits beyond all doubt the testimony of an accomplice. It is admissible and competent evidence; it is competent even if unconfirmed; but if totally unconfirmed, and there were no evidence arising out of the transaction he stated, perhaps in many cases it would be too much to say, that reliance should be placed upon the evidence of an accomplice, where the life of another was at stake. But in this case, I think I do not deceive myself when I say, that without the testimony of this accomplice there is evidence, strong, powerful, and cogent evidence as against the prisoner James Watson, of deliberate acts of treason, as charged upon this indictment; but I will call this accomplice, because I know that I shall confirm him in many, many, many circumstances; and it is a singular thing, that there is no small or minute circumstance which he has stated in the course of his narrative, and which he will state before you, which will not, some how or other, be confirmed by witnesses, and by other persons of whom he states those circumstances; as to what he did here, and what he said there, and so on, there are hardly any circumstances which are material, in which he will not be mainly confirmed by witnesses, who are no accomplices, who were not cognizant of what those circumstances led to, but who, when we came to inquire of them, confirmed this man in almost every circumstance. If I do this, I shall make out the case beyond all doubt; I shall make out the case of the treason as charged upon this record, the compassing and imagining the king's death—the compassing and imagining to depose the king—the levying war, and also the conspiracy to levy war for the purpose of deposing his majesty from the throne.

I am sorry I have been under the necessity of taking up so much of your time. The transaction itself consists of such a vast variety of circumstances, that even in the statement I have made, I am afraid I have omitted a great many—I fear I have repeated two or three of them more than once, though the case will be proved in the clearest possible way: sometimes one does in the statement betray a confusion of recollection, from not immediately

calling to mind every circumstance. I shall now call my witnesses; and unless some of the facts can be most materially contradicted by witnesses on the other side, I challenge my learned friend to explain them away, and to prove that those acts committed by the defendant, James Watson, do not amount to the crime of high treason.

EVIDENCE FOR THE CROWN.

Thomas Storer sworn.—Examined by Mr. Solicitor General.

I believe you are a printer, living in Fetter-lane?—I am.

Do you know the prisoner, Mr. James Watson?—Yes.

Do you remember seeing him at any time in the month of November last?—Yes.

On what day of November?—I believe it was on Wednesday the 6th of November.

Where did you see him?—At my house in Fetter-lane.

He called at your house?—Yes.

For what purpose did he call?—He wanted a paper printed, which purported to be a memorial or petition, that was intended to be presented to the prince-regent.

Did he state when he wanted it to be printed?—Yes, he wanted it the following evening to be distributed at a meeting.

Did he state that he wanted it to be distributed at a meeting?—Yes, he did. I told him the time was so short that I could not undertake it, and he read part to me.

Are you enabled to state what he read to you?—Not the whole of it: I remember a part of it.

State the part which he read to you?—A part of the petition was, that the land was to be divided into parishes, and to be let out in parochial partnerships; and that all the waste lands, mines, and quarries, were to be appropriated for the use of the government expenses; and after that, the rental of the different parishes or bounds were to be let out, and divided among the people: those are the principal heads that I remember of it.

Do you remember any thing more that he read to you?—No, I do not.

Be good enough to state what more passed between you and him?—Mr. Watson stated, that a meeting was to take place on the following night, at the Carlisle in Shoreditch; the next day I should say.

Mr. Justice Bayley.—Do you mean the Thursday or the Friday?—The Thursday.

Mr. Solicitor General.—Did any thing more pass at that time?—He promised me that there would be a bill for a public meeting.

That was to be printed, I suppose?—Yes.

Do you recollect any thing more passing on the 6th?—No: I believe that is the principal that passed then.

Did you print this memorial?—No, I did not.

When did you next see Mr. Watson again?—On the Sunday morning following, which was the 10th.

Where did you see him on the Sunday morning? did he call again at your house?—Yes.

For what purpose did he call upon you on the Sunday morning?—He brought me a copy of a bill to be printed: we agreed for the printing of them.

How many copies were you to print?—I believe it was 2,000 small, and 300 large.

Did you print any of those bills?—I composed it, and printed off one, and showed it to him in the evening.

On the evening of the Sunday?—Yes.

Did he come to your house again in the evening?—Yes.

What passed in the evening when he called?—I shewed him the bill, and he approved of it; he liked it very well, and asked me if I would let him have some: being Sunday I could not, I promised to let him have some on the following morning.

That is on the Monday morning?—Yes.

Did any thing more pass on the Sunday evening?—He brought me a 10*l.* note on the Sunday to take out what I wanted.

To pay yourself?—Yes, to take out what I wanted as sufficient to indemnify me till the whole were done.

Lord *Ellenborough*.—To pay yourself for what?—To take a deposit.

Mr. *Solicitor General*.—Did you see him again on the Monday morning?—Yes: I did not keep the whole of the 10*l.*, I returned him all but 1*l.*; my wife did however.

Was that on the Sunday?—Yes.

He came again on the Monday morning?—Yes; on the Sunday he told me that the advertisement was to appear in the *Morning Chronicle* and the *Morning Advertiser* newspapers on the next morning, and I waited—

On the Monday morning he came again?—Yes; but before he came, I went to the *Morning Advertiser* office.

Lord *Ellenborough*.—Are all these particulars necessary.

Mr. *Solicitor General*.—No, my lord, I believe not. On the Monday morning he came again?—He did.

Did any body come with him on the Wednesday or the Sunday, or did he come alone?—He came alone on the Wednesday and the Sunday.

On the Monday did he come alone?—No; his son and another person were in the room when I went home again.

Be good enough to state what passed between you and him on the Monday morning?—He came for the bills, he asked me for them, but I declined giving them to him.

The printed bills?—Yes, the printed bills; and he asked me the reason why I had not ob-

jected to it in the first place; I said, I did not see any harm in the bill when he brought it to me, but I had since considered of it, and thought it would be dangerous to have any thing to do with it.

State what passed between you and him on the subject?—I told him that he knew very well what it was to call a meeting; but when they were assembled, who was to be accountable for their actions, in case they should do any mischief?

Did he make any answer to that?—Yes; he said there were many meetings in the country called: that nothing had taken place; that the people had gone home peaceably and quietly, that no danger might result from the meeting. I told him, I did not know how this might be, and did not like to have any risk, and young Watson asked what I was afraid of.

Who was young Watson?—The Son.

Is that James Watson the younger?—It is; he asked me what I was afraid of; the old one, who was present, said, he supposed I was afraid of having my house pulled about my ears by the vengeance of the mob, for that I was perverting the ends of justice more than supporting it, by refusing to print the bills; young Watson asked me to give him a copy.

One of the printed bills?—Yes, one of the bills that I had printed; I said, as my name was to the bill, any printer would print it afterwards, without thinking there was any danger.

You mentioned that as an objection to giving him the bill?—Yes; for seeing a printer's name to it, is a great inducement to another to do it. I had printed it, but I declined to give him one; he said he wanted one, it was not to dictate to a printer, but to give it to Mr. Hunt.

Did you make any answer to it, or did you give it him?—No, I did not; I told him I knew Mr. Henry Hunt very well, and that if he would produce me his letter that he wanted it, I would myself send him one: he said no, if I would not send it without his letter, I should not send it with.

You declined letting him have one to send to Mr. Hunt?—Yes; and he went away and came back again in five minutes afterwards.

Did you let him have any of the bills?—No, I did not.

Did any thing more pass at that time, according to your recollection?—Yes; Mr. Watson had the paper I had bought, and the money I had received, the difference of the pound note; I had taken half-a-crown, I believe, it was making up the pound note; I gave them the paper I had bought out of the pound note, and the difference.

You had printed some of the bills?—Yes; but that was my own paper.

Had you any of those printed bills?—There was one saved, and it was given to the grand jury, at Hicks's Hall.

Lord *Ellenborough*.—Have you that?

Mr. *Solicitor General*.—Yes, my lord, I believe we have it here.

Mr. Sergeant Copley.—You have not asked him what became of the manuscript.

Mr. Solicitor General.—It was returned, I believe. What became of the manuscript?—It was returned to Mr. Watson.

Mr. Justice Bayley.—To old Watson?—Yes.

Mr. Solicitor General.—We have given them notice to produce it. What was the purport of the paper?—It was to call a meeting in Spa-fields.

Lord Ellenborough.—Will not this appear from the paper itself?

Mr. Solicitor General.—Yes, my lord, but we have returned the manuscript; we have a printed copy somewhere. Look at that, perhaps that will refresh your memory as to the contents of the manuscript?—Yes, it purports to be the same.

Mr. Justice Bayley.—Is that the one he printed?

Mr. Solicitor General.—No, my lord, it is not that, but it is one that was printed by another printer, whom we shall call; we had one, but by some accident it has been mislaid. It is for the purpose of calling a meeting of the distressed manufacturers, mariners, artisans, and others, of the cities of London, Westminster, the borough of Southwark, and parts adjacent.

Mr. Sergeant Copley.—I must object to that.

Mr. Solicitor General.—State the substance?—It was to call a meeting in Spa-fields of the mariners, artisans, and distressed tradesmen, and others.

Where were they to assemble?—In Spa-fields.

Did any thing more pass before they left you, on the subject of the printing of those bills?—I declined printing them.

What said they on your declining?—They took away the paper, and said they should go to Tottenham-court-road.

Which of them said that?—Young Watson.

Mr. Justice Bayley.—Was that in the hearing of the father?—Yes, he said he should go to Tottenham-court-road, and get them printed there.

Mr. Solicitor General.—Did he name any person by whom they were to be printed in Tottenham-court-road?—Yes, Messrs. Seale and Bates.

Did you afterwards procure that paper from Seale and Bates's?—Yes, I did.

That very paper?—Yes.

That is your writing upon it?—Yes, it is.

When did you get that at Seale and Bates's?—On the Tuesday.

On the Tuesday following that Sunday, that would be the 12th of November?—Yes.

Do you know a place called Greystoke-place, near Fetter-lane?—Yes.

Where is the entrance to Greystoke-place?—There are two.

Where are the entrances?—One out of Fetter-lane, and the other going through into Cursitor-street.

Is either of those shut at night?—One of them.

Which of them?—The one that leads to Cursitor-street.

Do you recollect passing by Greystoke-place at any time in the month of November last?—Yes.

What day?—It was on the Wednesday evening.

The Wednesday following the Sunday?—Yes.

That would be the 13th?—Yes.

About what time on the Wednesday evening?—I was there about nine o'clock in the evening.

Did you see any persons coming from any house in Greystoke-place?—No, I did not, I went by there to go to the Carlisle.

Did you pass it in your return?—Yes.

What time was that?—I believe between one and two in the morning.

On the Thursday morning?—Yes.

Did you then see any persons coming out of any house in Greystoke-place?—Yes, I went to go through the court, and finding the door shut, I saw the door of No. 9, opened, and six or eight persons came out of the house.

Did you observe who any of these persons were?—No, I did not observe who any of them were.

Was it dark?—I cannot recollect.

Thomas Storer cross-examined by Mr. Wetherell.

What was the day when you were desired to print the memorial to the prince regent?—On the Wednesday.

When you were pressed to print that so early, you said you could not get it printed?—Yes.

Lord Ellenborough.—Do you read that paper which you put into his hand?

Mr. Solicitor General.—We cannot at present, my lord, we shall after we have called the next witness.

Mr. Wetherell.—When you had printed those bills, you did not choose to have them circulated?—No.

You say that you kept one, what did you do with the rest, did you destroy them?—I burned them.

How happened you to keep one?—I kept it merely from curiosity, not from any particular motive.

Why did not you burn all of them?—I kept that merely to see whether the meeting did take place or not.

Your curiosity induced you to keep that one?—Yes.

What curiosity led you to tell any persons that you had kept a copy of this bill?—I went

to the office of the Morning Advertiser the following morning, and consulted with them with respect to the printing of those bills, to see whether they had an advertisement to that effect, as Mr. Watson said it was to appear.

You, finding that there was no such bill in the newspaper, did not choose to have them printed with your name at the bottom, under the regulations of the act?—I would not print them at all, if I thought there was danger.

To whom did you first tell this?—I cannot say whom I first told it to; there were two or three others in the room.

To whom did you first communicate that you had kept that copy?—I was not aware at first but that I had burnt them all, but I afterwards found one.

To whom did you first tell this?—I told it to an old printer that I knew, an old man.

You took it to the Secretary of State's Office?—Yes, I did.

When did you take it to the Secretary of State's Office?—On the Monday.

You kept one for your own curiosity entirely, and for no other purpose?—I had one left in my pocket that would have been burnt, if it had been along with the others.

Did you keep it on purpose, or accidentally?—I kept it after I found I had only one left; I did not think it worth while to destroy it.

As you would not let any person have one, why did you keep it?—Because it was in my own possession.

Did you keep it that you might afterwards deliver it, or why did you keep it?—Only as I before observed, merely from curiosity, to see whether the meeting took place.

When did you first communicate at the Secretary of State's that you kept it?—I cannot say, I went to the Secretary of State's with the bill.

Were you examined before the Jury at Hicks's-hall with the bill?—Yes. I gave it in there.

What jury at Hicks's-hall?—The grand jury who found the bill?—Yes.

Is that the bill against those persons?—Yes.

Mr. Justice *Abbot*.—How can he know what bills there were?

Mr. *Wetherell*.—Were you examined before the grand jury on the subject-matter on which you have been examined here?—I cannot say, I was subpoenaed there and examined.

Were you examined there by the jury, on the fact of your having been applied to to print those bills?—Yes, I was.

Did you state to them what you have stated here?—I believe I did.

Did you produce to the grand jury at Hicks's-hall this single copy, which you say you have kept?—Yes.

Who took you to the grand jury at Hicks's-

hall? did any of the gentlemen sitting here take you? did Mr. Litchfield take you?—One of his clerks.

Did Mr. Litchfield attend you there?—I cannot say.

You cannot mistake Mr. Litchfield's person.—I saw him in the room once.

Who summoned you to attend the grand jury with this bill?—I was subpoenaed.

Who subpoenaed you?—One of Mr. Litchfield's clerks.

When were you subpoenaed to attend at Hicks's-hall with this bill?—I think in the month of February.

That was afterwards, two months after you had printed those bills, was it not?—Yes.

Are you accurate as to the time?—Yes.

How long did you attend before the grand jury?—I suppose I might be there a quarter of an hour.

Was Mr. Litchfield, or one of his clerks, present when you were examined before the grand jury at Hicks's-hall?—I cannot say.

Endeavour to recollect.—I cannot recollect. I do not remember knowing one person in the room.

To whom did you deliver the bill, to the grand jury, or to Mr. Litchfield's clerk?—I believe it was to the grand jury: but I do not know them. I went into the room, where I was examined, and delivered the bill.

Did you produce this bill, or had you been examined before the London grand jury, as to the fact of printing those bills? Had you been examined before any other grand jury on the subject?—Yes.

What grand jury was that?—The grand jury belonging to this court.

No other grand jury?—No; one was at Hicks's-hall, and the other was here according to the subpoena.

Into whose hands did you deliver this bill at Hicks's hall?—To the grand jury, I believe.

Have you had it back again?—No I have not.

Have you seen the bill since you handed it over to the grand jury at Hicks's-hall?—I have not.

Arthur Seale sworn.—Examined by
Mr. *Topping*.

You are a printer, I believe, are you not?—Yes.

Do you live in Tottenham-court-road?—Yes.

Did you in the month of November last?—Yes.

And sometime before that?—Thirteen years.

Do you remember any application being made to you, in the month of November last, to print any hand-bills?—Yes.

Can you tell me what day of the month of November it was?—About the 11th, but I can tell by looking; it was the 11th.

What day of the week was that?—On a Tues-

day, I think; I will not be positive to the day, but I think it was a Tuesday.

By whom was the application made to you?—A Mr. Preston came to me and said, he would introduce a gentleman to do a little business: there were some gentlemen he brought with him, and they said, they had some bills they wanted printed for a public meeting.

How many gentlemen accompanied him?—There were four or five.

Mr. Justice Bayley. You have not identified what Preston it was.

Mr. Topping. I am about to do that by the next question. Was it Thomas Preston, one of the defendants in this prosecution?—I do not know whether his name was Thomas, but I know him as Mr. Preston.

Can you see him in court?—I cannot say that I do.

Had you known him before?—I had known him for two years.

Is he the Thomas Preston who is indicted with Watson?

Mr. Sergeant Copley.—How can he know that?—I do not know whether he is the prisoner that is indicted: I had known him very well.

Lord Ellenborough.—If there is any body in the way, you may remove that person.

Mr. Topping.—Do you see him here?—Yes, that is the gentleman sitting there [pointing to Preston.]

You had known him for two years?—Yes, he lived up in our neighbourhood.

Who are the persons who came along with him?—There is one of them.

Who is that one?—That Gentleman that sits there is one of them, the Gentleman who sits there between me and Mr. Preston. [The witness went down and pointed out the prisoner Watson.] That was one among the rest that came to me—he was one of the Gentlemen of whom I received the order.

He and Preston were two of the party that came on this 11th of November?—Yes.

For what purpose did they come, and by whom did they say they were sent?—They did not say by whom.

Mr. Wetherell.—Will you have the goodness to ask whether Mr. Watson was present?

Mr. Topping.—Yes, I understood him to say that. Was Watson present?—Yes. Mr. Preston said they wanted some bills printed for a public meeting.

Do you recollect the day when the public meeting was to be?—The 25th of November, or the 22nd of November.

Did you print any bills?—Yes.

Will you look at that, that may refresh your memory [showing a bill to the witness], is that one you printed?—Yes.

In consequence of what passed, you printed that amongst others?—Yes.

Did you print that bill from any manuscript produced to you?—Yes.

By whom was that manuscript produced to you from which you printed the hand-bill in your hand?—I really cannot say which of the three gentlemen gave me the manuscript, which of the other three gentlemen, I do not think it was that gentleman, Mr. Watson.

Lord Ellenborough.—Were they all by at the time?—There was Mr. Preston, that gentleman, and two others, whom I do not see here at all. I do not know who they are.

They were together in the room with you?—In my public shop.

Was an order given you for any number?—I believe 3,000 or 3,500 small, and 5,000 large. I believe an order was given for 3000 small, but there were about 500 more done afterwards.

When you had printed them, to whom were they delivered?—A great number of different people called for them.

Had you had any orders as to the delivery of them?—No, I had no orders where to deliver them, nor nothing; they were fetched away promiscuously, by different individuals.

You delivered them to persons who called for them?—Yes, to different people.

How came you to do so?—I naturally thought that those who fetched the bills came from the people who employed me. I thought by means of Mr. Preston, I should know who the persons were that fetched them.

Did you deliver to persons calling, the whole of what you printed?—Yes.

How soon after the order was received were the hand-bills printed?—Part of them were printed the next day, the 12th.

Did you print them on paper of your own?—No, the paper was brought by somebody from another printing-office for the first; the other paper I found.

Do you know what quantity it was that was brought?—No; I cannot tell; there were altogether 3,000 or 4,000 small.

Did you print any other bills?—I printed some for the meeting on the second of December afterwards.

That is one of the bills you printed?—Yes.

Have you got the manuscript from which you printed this?—Of that one I have [producing it.]

What you now produce is the manuscript from which you printed that bill?—Yes.

Are you acquainted with the hand-writing of that manuscript?—No, I am not.

Look at it?—That question has been asked me before, and I have considered of it. I really do not know the hand-writing of that paper.

Are you acquainted with the hand-writing of Preston?—No, I am not, I never saw him write.

You neither know the hand-writing of the body of the bill, nor the hand-writing of the two names which appear subscribed to it?—No.

Did you print any others than those?—For the second of December.

When were you applied to, to print any hand-bills for the meeting of the second of December?—For the meeting of the 2nd of December I was applied to on the 26th of November: it was about a week or eight days prior to the meeting.

Who made the application to you to print those bills?—A Mr. Castle.

Was any paper brought by him?

Mr. Wetherell.—We do not know who this Mr. Castle is at present.

Mr. Topping.—It is a fact.

Mr. Wetherell.—But he is not connected at present.

Lord Ellenborough.—He must be either connected with the purpose or not; whether he is or is not, the present fact is the mere simple bringing of this bill: he is at present a mere human being, by whom this act is done.

Mr. Topping.—A Mr. Castle came to you, on the 26th of November, and asked you to print bills for the second of December?—Yes; I told Mr. Castle I would not.

How many did he desire you to print?—Four thousand small, and 500 posting bills or placards.

Have you got one in your pocket?—I have one of the large ones in my pocket.

This is one of those you printed in consequence of that order given you on the 26th of November?—Yes.

Were you directed to carry them to any and what place when printed?—When Mr. Castle left the order, I told him I would not take the order unless I was to be paid for the former bills, and he told me to make the order out in his name, and he would pay me.

You had not been paid for the bills you had previously printed?—No.

How soon did you print them?—In a day or two.

To what place did you take them?—I sent them down by my apprentice to Mr. Hooper in Greystoke place.

I ask you whether you took any of the bills you printed to any and what place?—I took some myself.

Some were delivered to your apprentice?—Yes, some were delivered to my apprentice, to be delivered.

What was done with the rest?—They were fetched away by different individuals.

Who were those individuals?—That gentleman (Watson) fetched away some of them; I had not then the pleasure of knowing Mr. Watson, I knew Preston very well.

How many did Mr. Watson fetch away?—About five-and-twenty.

Of which bills, the large or the small?—The large bills.

Do you recollect when it was that he fetched them?—Yes; it might be two or three days

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from the time of his giving the order; about the 28th, I should think it was.

Had you any conversation with Mr. Watson, as to the manuscript from which those were printed?—No, I had no conversation with Mr. Watson about any manuscript.

Had you no conversation with him at all, when he fetched away the bills?—I might have said something, but I cannot call to remembrance what conversation we had; I dare say we conversed about politics, as well as about the bills.

My question was, whether you had any conversation about the bills?—No; about Mr. Castle, I had.

You took none of them yourself to any place?—No, no further than delivering them to people who called.

Were you ever paid for the printing the latter bills?—No; I was never paid for the latter ones.

Were you paid for the former?—Yes; I was paid by different individuals who brought me the money; Mr. Castle brought me some money, for which I gave him a receipt.

You cannot call to mind any other individuals?—No, I cannot.

Arthur Scale cross-examined by
Mr. Sergeant Copley.

What became of the manuscript of that last bill?—I believe it was sent or given to one of the persons.

Do you know, yourself, what has become of it?—No, I do not.

When did you last see it?—I have not seen it since the time it was composed, that I recollect.

At the time it was composed, it was in your shop?—Yes, of course it was.

Since that time you have not seen it, nor do you know what has become of it?—No.

When the first order was given you, who delivered you the manuscript? Preston, I think you said?—No, I did not say Preston; there were three others with him, which of them it was I cannot say; Mr. Watson was present.

This manuscript being produced, was it read over in his presence, or did he see it before it was delivered to you?—I read it over.

Lord Ellenborough.—Did you read it alone?

Mr. Sergeant Copley.—How did you read it over?—The same as I would any thing else.

To yourself?—No, I read it out.

Can you take upon yourself to swear that Watson heard you?—I think I can take upon myself to swear that he did.

Do you take upon yourself to swear that he heard you?—I do really believe he must have heard me.

Will you take upon yourself to swear that he heard you?—I have already sworn, and I cannot go any further.

What have you sworn?—That he was present when the manuscript was given to me.

Was it read over so that you can take upon

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yourself to swear that he heard its contents?—It is impossible to swear that a man heard, for a man may turn a deaf ear to what is read.

Will you swear that he heard it?—I cannot understand the meaning of the word swear further.

Mr. Justice *Abbott*.—I understand him to swear that Watson was present, and that he read it out.

Mr. Sergeant *Copley*.—My question to him is, whether he is satisfied Mr. Watson must have heard it.

Lord *Ellenborough*.—That is impossible; he has said all a man can say, that he believes he heard it; that he pronounced it so loud, that a person must, he thinks, have heard it.

Mr. Sergeant *Copley*.—What I ask him, and what I want to know is, whether he believes Mr. Watson heard it?

Lord *Ellenborough*.—He has said already, that he believes he heard him; but if a man swears that another heard it, he would not be believed; he would be thought rash.

Mr. Sergeant *Copley*.—I wish to know whether there is any misapprehension upon this subject, and would repeat the question.

Lord *Ellenborough*.—Oh, certainly.

Mr. Sergeant *Copley*.—Upon the oath you have taken, do you believe Mr. Watson heard it?—The only thing I could do would be to read it as I read it then, and then their lordships and the jury may judge whether he must not have heard it.

Will you listen to the question? Do you believe that Mr. Watson heard it?—It is impossible I can swear that another heard it.

The question is not that, and you must understand the question.

Lord *Ellenborough*.—The question now put to you is not of that description which might be objectionable; but the question is, whether you swear that you believe he heard it.—Certainly.

Mr. Sergeant *Copley*.—So as to be aware of the contents of it.—Yes.

Have you been examined before as to these bills?—Yes, at No. 5, Stone Buildings.

Was that the only time?—Yes, it was.

That was at Mr. Litchfield's chambers, I presume?—Yes, I believe it was.

You have not been examined before the grand jury?—No.

When was it you were examined?—On Saturday week, I believe.

When were you first called on?—About two days before I had a subpoena left me.

Mr. *Topping*.—If your lordship pleases we will have the bills read.

[The following bill was read.]

At a Meeting held at the *CARLISLE*,

SHOREDITCH, on Thursday Evening, the 7th of November, *Inst.* it was determined to call a

Meeting

OF THE

Distressed Manufacturers,

Mariners, Artizans,

AND OTHERS OF THE

Cities of London, Westminster, the Borough of Southwark, and parts adjacent, in

SPA-FIELDS,

On Friday 15th *Inst.* at 12 o'clock,

To take into Consideration the propriety of Petitioning the Prince Regent, and the Legislature, to adopt immediately such means as will relieve the sufferers from the Misery which now overwhelms them.

JOHN DYALL, Chairman.

THOMAS PRESTON, Secretary.

Seale and Bates, Printers, Tottenham-Court-Road.

[The Manuscript was read.]

Mr. *Topping*.—Now the large one.

Mr. Sergeant *Copley*.—I submit to your lordship, that the counsel for the prosecution are not in a situation, yet, to read the large one; he has not yet given any account of the manuscript, he cannot say whether it was delivered to the party or not.

Mr. Justice *Bayley*.—A great many of those were carried away by Watson himself; therefore, whether there is any manuscript or not, does not signify.

Mr. Sergeant *Copley*.—My lord, I submit, that is not sufficient; we have had no notice to produce the manuscript of this.

Mr. *Topping*.—Do you mean to say you do not know what became of the manuscript from which the last was printed?—I think it was given to one of the persons who came for the first bills, to see whether the copy was right; there were 500 given at one time, in the first instance, and I am pretty sure the copy was given with them.

Lord *Ellenborough*.—Do you offer it now then?

Mr. *Gurney*.—At a future time, my lord, we will offer it.

Lord *Ellenborough*.—Are not they all made originals, when Watson took away some of them?

Mr. *Gurney*.—I should think, my lord, when Watson took away so many of them, that that

made them all alike originals; but, when we can prove the fact, it is not worth while to be arguing points.

John Crisp sworn.

Mr. Wetherell.—My lords, I object to this witness being examined. I do so on the ground that he purports to be a witness, whose description in the printed list delivered under the statute of Queen Anne, stands thus, “*John Crisp, lately abiding at No. 3. Tyler’s court, Wardour-street, in the county of Middlesex, grocer.*” The statute of 7 Anne, cap. 21. sec. 11. requires, “that when any person is indicted for high treason, a list of the witnesses who shall be produced on the trial for proving the said indictment, and of the jury, mentioning the names, professions, and places of abode, of the said witnesses and jurors, shall be given at the same time that a copy of the indictment is delivered to the party indicted, and that copies of all indictments for the offence aforesaid, with such lists, shall be delivered to the party indicted, ten days before the trial.” Your lordships will see, therefore, that the exigency of this clause requires the names, professions, and places of abode of the witnesses to be described. Now, the description of the witness, as it appears in this list (for I can see only one person of the name of Crisp, consequently there can be no doubt that he is the person designated), is “*John Crisp, lately abiding at No. 3. Tyler’s court, Wardour-street, in the county of Middlesex, grocer.*” Here is, therefore, no description of the place of his residence. Your lordships will perceive, that the terms of the statute of Queen Anne, have not been at all complied with, inasmuch as his actual residence is not stated: but without entering into the question, how far any substitution of description would suffice, I say there is no such substitution as would answer the purpose of description. The term is *lately abiding at*—now that is no definite description of time—it may be two months, or a year, one cannot either in common language, or in law, give a definition to the terms “*lately abiding at*”—they must depend alone on the ideas of the person using them.

Your lordships will give me leave to state, that I conceive this is a question not merely turning on a matter of form—it is an objection turning upon the non-compliance with the requisites of this statute, a failure and breach of which endanger the fairness of every trial for high treason; for the object of the statute of Queen Anne, in requiring an identical description of the witness, and his residence, was, that it might operate as a notice to the person accused, that he might make all the inquiries which he might conceive conducive to his defence. But if you do not give the witness’s residence, the prisoner cannot use those means of inquiry, which it was the peculiar object of this statute to give to him, and I apprehend, the more that circumstance is considered, the higher will appear to be the value of this objection.

If a witness is described as lately living at such a place, it is impossible for the accused to make those inquiries which the statute meant he should, as to the person to be examined and the matters, to which he is likely to be called—what the person is—what he is supposed to know—what his character is, and all those matters directly or indirectly, remotely, or nearly affecting the defence.

Your lordships will allow me to press the objection further. If this is a competent description for one witness, it is a competent description for all the witnesses; and the two hundred and fifty witnesses in this list, may be all described, not with their actual places of residence or where they may be found, but with this mysterious, uncertain, and if I may so express myself, anonymous designation of residence. And thus all means of searching them out may be concealed from the prisoner.

Under these circumstances I put my objection in two ways. If it was merely a matter of form I submit that the witness could not be examined: but secondly, I submit that it is not a question of form, but that it affects the substance of our defence, since by the want of description, the prisoner is debarred of those very means of defence with which the law intended to provide him.

Lord Ellenborough.—With reference to the time of delivering the list, the description must necessarily be as *lately*, unless the person delivering the list was actually at the place at the time; and therefore the place described as the place of residence must be that which it had lately been: but it will be proper to inquire, as a matter of fact, *when* the witness was resident there.

The Witness was examined upon the *voire dire*.

Mr. Gurney.—Did you lately, before the month of May, reside in Tyler’s-court, Wardour-street?—I did.

Lord Ellenborough.—When was the list delivered?

Mr. Gurney.—On the 5th of May. How long before the 5th of May did you quit that residence?—About three months previous.

Had your affairs been embarrassed?—They were rather so, which induced me to leave.

Were you at the time keeping out of the way, on account of any difficulties you were in?—Not any pecuniary difficulties immediately, but I considered it a matter of convenience to shift my residence at that time.

Mr. Justice Abbott.—He has not mentioned the number.

Mr. Gurney.—At what number did you live?—No. 3.

Was it a grocer’s shop?—I did not carry on my business at that place: that was my private residence; but that has been my business through life.

How long had you resided there?—It might

he between three and four months, or longer than that, a short time longer, I cannot speak to any fact immediately impressing it upon my recollection.

After you had quitted that place were you discovered by the solicitor for the Treasury, till after the 5th of May? until after you had seen your name printed in the list in the newspapers?—It is within this month past I received a subpoena, in consequence of having seen my name in the paper, and having heard that there were officers looking after me, I deemed it advisable to go to Bow-street, and give my name and residence.

Was that after the 5th of May?—Yes, it was.

Do you mean after your name was published in the newspaper as a witness?—Yes, it was; that was the first I knew of the present proceedings, and my being a witness.

Mr. Sergeant Copley.—You say you have resided at this place about three months?—Rather more than that.

And that in point of fact you had left it three months before the 5th of May?—No, not so long as that.

You told my learned friend, you had quitted this place three months before the 5th of May?—I must beg not to be understood to confine myself to a particular week.

Mr. Justice Abbott.—I did not understand whether it was three months before the 5th of May, or three months from the present time?

Mr. Sergeant Copley.—I understood three months previous to the 5th of May?—Yes, I believe it was so.

Will you have the goodness to tell us where you did reside in the early part of May; where you had lived for a month before that?—I took a lodging at Blackwall.

You went thither from your house in Tyler's-court?—Yes.

Did you reside there from the time of your leaving Tyler's-court?—I remained there about a month, I should think, or not longer than that; it was at Mill-wall.

Were you residing there on the 5th of May?—I cannot say, really; it is a matter I have never thought seriously about.

Mr. Justice Bayley.—You can answer whether you removed from Tyler's-court thither?—I remained there about a month, and then I removed to where I am now.

Mr. Sergeant Copley.—Where is that?—At Chelsea.

You went from Tyler's-court to Mill-Wall, and resided there till you removed to Chelsea?—Yes.

Did you ever carry on the business of a grocer, in Tyler's-court?—Never; I answered his lordship that just now.

Mr. Gurney.—To what place did you go from Tyler's-court?—To Mill-wall.

Lord Ellenborough.—Grocery is your busi-

ness and profession, but not one which you carried on there?—Just so.

Mr. Justice Bayley.—Was it known in Tyler's-court, where you were gone to?—No.

Did you leave word?—I did not.

Mr. Gurney.—How long did you stay at Blackwall?—About a month.

Where did you go from thence?—To Chelsea.

Coming across London to Chelsea?—I will recollect myself for a moment; there was a short time (about a fortnight or three weeks) intervened, that I was at Ratcliffe Highway, and then I went to Chelsea; I have been six or seven weeks at Chelsea.

Then about the 5th of May you went to Chelsea, I suppose?

Mr. Sergeant Copley.—No, your inference is quite incorrect, he must have been at Chelsea before the 5th of May?—No.

Mr. Gurney.—How long have you been at Chelsea?—Six weeks; I was absent from Chelsea a short time, a short distance in the country, but that is where I have resided for the last two months nearly.

Were you a lodger there?—Yes.

And you had come from Ratcliffe Highway thither; having gone to Ratcliffe Highway from Poplar, and from Tyler's-court to Poplar?—Yes.

You did not leave word where you went to, when you left Tyler's-court?—No; it would not have answered the purpose if I had.

Lord Ellenborough.—Was Tyler's-court the last ostensible place where you were known?—I never have concealed myself, but I did not wish it should be known where I went to.

Lord Ellenborough.—I do not ask whether you locked yourself up, but you did not state, to what place you were going?—I did not.

Mr. Sergeant Copley.—I submit to your lordship, from the account the witness has given, it is clear he cannot be examined; I am quite sure that your lordship will be of opinion, that this is not a formal objection; the provisions of the statute of Anne were considered as necessary to protect a party standing in the situation of the prisoner; your lordship sees how anxious the legislature is, that every possible information should be given to the prisoner, in order that he might make all necessary inquiries with regard to the witness, not only as to his past conduct—

Lord Ellenborough.—Do you give any further account of his residence.

Mr. Gurney.—No, my lord.

Mr. Attorney General.—The case must certainly stand, with respect to this witness as it does at present. We inquired at this place, Tyler's-court, where it is said he was lately abiding; but not getting any information there, we have not inquired at any other place.

Lord *Ellenborough*.—Do you give any evidence of any inquiries carried on, in order to gain the most perfect information you could, as to the place of his residence?

Mr. *Attorney General*.—My lord, I have no evidence upon that subject, therefore if your lordships think that this does not satisfy the provisions of the statute, I would not press his examination.

Lord *Ellenborough*.—You have no evidence of any inquiries having been made respecting his place of abode?

Mr. *Attorney General*.—No, I have not, my lord.

Lord *Ellenborough*.—Then it does appear, that that was not the latest place of residence; and as it does not appear that any endeavour has been made to find him out after he ceased to reside there; we think he cannot be examined.

George Lewis sworn.—Examined by
Mr. *Gurney*.

Are you a hackney coachman?—Yes.

On the 15th of November last were you driving your hackney coach?—Yes.

Were you taken by any persons to Spa-fields?—Yes.

Do you know any of the persons who went with your coach to Spa-fields?—I should know one gentleman if I were to see him.

Was he on the box with you?—Yes.

And the others in the inside?—Yes.

Have you since seen the gentleman who went on the box with you?—No.

Which should you know?—One of those inside.

Lord *Ellenborough*.—Were there more than one inside?—Two inside.

Mr. *Gurney*.—Will you look whether you see among those persons any of those you took in that coach?—No, neither one of those.

What part of Spa-fields did you go to?—Into the middle of Spa-fields.

Do you know the Merlin's Cave?—Yes; I stopped before I got to the Merlin's Cave.

Did either of the persons who went with you, have any stick or wand?—No; the man who went on the box had a wand.

When you arrived in Spa-fields, was any thing done with that wand?—No, not at first.

No matter, whether at first or at last?—There was a flag tied to it.

What sort of a flag?—There were different colours, I do not know what was upon it.

How many colours were there?—I do not know.

Did any person speak from the top of your coach?—Yes.

Who was that?—Mr. *Parkes*.

Was there a large concourse of people there?—Yes.

And a Mr. *Parkes* made a speech from the top of your coach?—Yes.

Afterwards did any other person begin a

speech from your coach?—No; I was ordered to drive to the Merlin's Cave.

Did any person then begin any speech from the top of your coach?—No.

Did Mr. *Hunt* come afterwards?—Yes, he did afterwards.

Did he address the people?—Not from my coach, from a chariot.

Did he descend from the chariot?—Yes, and went into the house.

Did he address the people from the house?—Yes.

How many persons got into your coach to go away?—Four.

What became of you?—They took my horses off.

The mob?—Yes, and dragged my coach till they run it against a brick wall.

Upon that, what became of the persons that were in the coach?—I know not, they jumped out.

They left you?—Yes.

Then you were not paid your fare?—No.

Upon that did you go to the hotel in Bouverie-street?—Yes.

Did you go into the room in which Mr. *Hunt* was?—Yes, and saw Mr. *Hunt*.

Whom did you see with him?—There were several gentlemen sitting in the room.

Have you since seen any of them again?—No, not one.

Did you afterwards go to Gerystoke-place?—Yes, with Mr. *Parkes*.

Did you there see either of the persons you had seen with Mr. *Hunt*?—No.

Recollect yourself?—I saw four men, when I went to Greystoke-place.

Who were they?—There was a young man, and one who said his name was Hooper, and there were two others.

Had you seen Hooper before at the hotel in Bouverie street?—No, I had not.

Look and see whether you see Hooper there, or the young man?—No, I do not see any one who said his name was Hooper, at Greystoke-place.

Do you see there either of the persons whom you saw at Greystoke-place?—No, I do not.

Mr. *Gurney*.—I wish the warders would just move their heads.

Mr. *Wetherell*.—If he can find them out himself he may, but I must object to that.

Mr. *Gurney*.—I apprehend I am correct.

Mr. *Wetherell*.—I apprehend not.

Lord *Ellenborough*.—You may ask in the most direct terms—you may say, look at the prisoners.

Mr. *Gurney*.—In ordinary cases they are standing at the bar by themselves; here the witness is confounded by the number of objects. Will you look and see, whether either of the persons sitting in that direction is the person you saw in Greystoke-place?—I do not recollect him.

George Lewis cross-examined by
Mr. Wetherell.

How near did you drive up to Greystoke-place?

Lord Ellenborough.—As this examination has proved abortive, it is in your discretion whether you will cross-examine. I cannot see what may be the bearing of it—you will use your own discretion.

Mr. Wetherell.—We shall have so many more witnesses from Spa-fields, my lord, that I will postpone any question I may have to put.

John Monkhouse sworn.—Examined by
Mr. Richardson.

I believe you keep the Merlin's Cave Public-house, in Spa-fields?—Yes.

Do you remember a meeting in Spa-fields, on the 15th of November last?—I do.

We have been told that a hackney-coach came there with persons in it; before that time did any persons come to your house on foot?—Yes, before the coach arrived.

How many?—I suppose there might be to the amount of a dozen.

Do you know the names or persons of any of those who came?—There was Mr. Preston and Mr. Dyll.

Mr. Justice Bayley.—Does he know them by name or by person.

Mr. Richardson.—Do you know them by name, or by person?—By both.

Do you see Mr. Preston now in court?—That is Mr. Preston [pointing to him].

Did you learn from them whether they had had any thing to do in calling the meeting?—No, I did not.

To what part of your house did they go?—They went to the front room up stairs.

Fronting the field?—Yes.

How did they employ themselves till the others came?—They called for pen and ink, and they were writing for a considerable time.

Did they remain there till Mr. Hunt came?—I saw them there several times, and I believe they did remain there.

Did Mr. Hunt address the people there?—Mr. Hunt addressed the people there; but he addressed them in the field from a coach before he came in.

Did he afterwards come in?—Afterwards he came into the house; and forced his way up stairs.

What do you mean by forced his way up stairs?—I endeavoured to stop him, by speaking to him, and told him it would not be agreeable to me to suffer him to go up stairs, he said, it was of no consequence, he should go up.

What further was done by you or by them?—He went up stairs, and one of the blinds was cut, and the heading taken from the side of the window, and the window taken out.

By the persons who were there?—Yes.

Can you state who the persons were who did that?—I was told—

You must not say what you were told.—I cannot say myself who the persons were.

Were you so told in the presence of Preston?—No.

Do you know the person of either of the Watsons?—I was told—

Do you see here beside Preston, any body who was there? do you know the person of Mr. Watson, the prisoner now on trial?—No, I do not.

What persons had you at your house beside, on the 15th of November?—Only Mr. Hunt, a person of the name of Clark, and Dyll; I did not see Preston there.

John Monkhouse cross-examined by
Mr. Wetherell.

You did not like Mr. Hunt coming up into your room?—I did not.

Did Mr. Hunt make a speech from the window of your room, after he spoke from the coach?—Yes.

Did you hear that speech?—I did not hear the whole of it; I was ill, I heard a part of it.

What was the part of it?—I cannot say that exactly.

Was it a speech exhorting the people to consider of their grievances, or any thing of that kind?—I believe it was.

Can you recollect any of the particular expressions; were you near enough to have heard the whole of it, or was it from illness you did not hear it?—I was near enough, but from the confusion in the house, I could not particularly attend to it.

Do you recollect Mr. Hunt stating to the people, that the public charity offered to them was an insult?—No, I do not.

Do you recollect his stating any thing to that effect?—I do not.

Were you attending to it sufficiently to give an account?—No, I was not.

If you say that, I will give you no further trouble, that you were neither near enough nor attentive enough?

Lord Ellenborough.—He was neither near enough nor attentive enough to give an account of it.

Mr. Wetherell.—Do you recollect Mr. Hunt's saying, that your house was a bad place to speak from?—No; but I recollect going to Mr. Hunt and saying, that they should not have cut out my window.

You do not recollect his saying, that your house was a bad place to speak from?—I do not.

Did you say any thing to Mr. Hunt to prevent his coming to speak from your house again?—Yes.

Did you give him notice that he should not again speak from your room?—Yes; on the first meeting I told him he should not speak from my house, either he or any other man.

Did he afterwards force his way up into the room?—He was up at the window at that time.

Did you tell him, between the two meetings, that he should not speak there again?—I went to him at the old Hummums in Covent Garden.

Be so good as to tell us what you said to him about his speaking, or not speaking, from your house.

Mr. Attorney General.—What he said to Mr. Hunt at that meeting on the 15th, I do not object to; but he cannot state any thing which passed afterwards.

Mr. Wetherell.—Then I will confine it to the fact; did you prohibit his speaking from your house?

Lord Ellenborough.—Unless you call Hunt, and prove that he communicated it to the others, it comes to nothing; you mean to say that they were driven to procure a waggon, by being refused the use of this house, I suppose?

Mr. Wetherell.—Yes, my lord, and procuring the waggon is charged as an overt act of treason.

Lord Ellenborough.—But put it as a matter of fact.

Mr. Wetherell.—I put it to him as a matter of fact, whether he did not prohibit their coming again?

Lord Ellenborough.—But it must be proved to have been known to them, or it cannot be supposed to have influenced them.

Mr. Wetherell.—At the time Mr. Hunt spoke was there a flag in the room?—There was.

Was it near him?—Close to his right-hand.

Was it possible for Mr. Hunt to have avoided seeing that flag?—I should think impossible.

Was there an inscription on that flag?—There was, but I cannot state what it was.

Of what colour was it?—It was different colours, I cannot say what colours; when I told Mr. Hunt he should not speak out of my window, neither he nor any other man, there was a person at each side told me, that they had taken forcible possession, and that I should have nothing to do with it, and that I might go about my business.

Did Mr. Hunt take possession forcibly?—Yes; but he was not one of the persons who said that.

Was the person who carried the flag one of those who forced his way up with Mr. Hunt?—I cannot say.

Do you know who was the man who had the flag?—I cannot say.

Do you know a person of the name of Castle?—I cannot say that I do.

Did the person who forced his way up, use any particular expression?—I cannot say.

Was there any magistrate in your house?—

There was a magistrate after Mr. Hunt had begun to speak.

Did the magistrate come up into your house?—Yes.

Was Hunt speaking when the magistrate came up?—He was.

Who was the magistrate?—I recollect Mr. Raynsford being there.

Was Mr. Raynsford in a situation to hear Hunt's speech?—I should think he was.

Could he avoid hearing Hunt's speech?—I should think not.

What time did the business last?—It began at two, and it lasted, I think, till five.

Was the flag displayed out of the window?—Yes.

The casement was taken out of the window?—Yes.

Could a person, who stood in the back part of the room, see the flag displayed out of the window?—He might see it perhaps.

Was it in such a situation, that a person looking towards the window might have seen it?—The person nearest the door could not see it, there were so many people in the room, and some on the table.

Supposing Mr. Raynsford to be coming up towards your house, must he have seen the flag if it was out of the window at that time?—He must have seen it.

Had you any police officers in your house at that time?—Yes.

Whom do you recollect?—A person of the name of Wood, and one Martin.

How many constables and police officers were there?—There were a great many constables; for I employed a great number of persons myself, for fear of any accident.

How long do you suppose they were in your house altogether, during the going on of this speaking?—From two o'clock till about five.

Did you see any other magistrate there except Mr. Raynsford?—I do not know of any other.

Who spoke besides Mr. Hunt?—That I do not recollect.

Was there no other orator who harangued the mob from your window besides Mr. Hunt?—Yes, but I do not recollect their names.

Was Mr. Hunt's speech cheered and huzzaed by the mob?—Yes.

Was it a good deal or not?—A great deal; several times.

Repeatedly?—Yes.

How many people do you suppose were collected round your house, while orator Hunt was going on?—It would be impossible for me to say.

How many do you think?—Some people said there were twenty thousand.

Do not tell us what others told you but give us your own judgment?—I should think there might be that number.

Twenty Thousand?—Yes.

Do you remember Mr. Hunt stating any

thing on the subject of adjourning this meeting, on the 15th of November, in your hearing?—No.

Was there any discussion in your room about adjourning it to any future day?—I cannot state that.

Did you hear it generally stated, that there was to be an adjournment of that meeting?—I heard that stated generally.

Do you recollect the day being stated, when the adjourned meeting was to be held?—The 2nd of December, I think, but I cannot say.

Though you did not hear Mr. Hunt state any resolution, did you hear him say it was to be on the 2nd of December?—I did not.

Was this stated from your room loud enough for the by-standers to hear it, or only the persons in the room to hear it?—That I cannot say, if they heard one they must have heard the other.

Mr. Michael John Fitzpatrick sworn.—Examined by Mr. Shepherd.

Were you at the Spa-fields meeting on the 15th of November last?—I was.

Were you in a room at the Merlin's Cave?—I was.

Were there many people in that room?—A great number.

Do you know the persons of either of the Mr. Watsons?—I know both the old and the young Watson.

Were they there?—They were both there.

Do you know the person of Mr. Preston?—I do.

Was he there?—He was there.

State what you observed Preston to do there?—Preston was in the room, and a man of the name of Dyall; Dyall had some papers in his hand, and they wanted him to get on the table, and read the resolutions. He got on the table, and was prevailed on, by persons in the room, to come down again. Shortly after that, Mr. Hunt came into the room, and Dyall did not read the resolutions he had in his hand.

Was it stated why he did not?—It was whispered about.

Was Mr. Watson there during the whole of that time?—Mr. Watson was there; I saw him just as Mr. Hunt came into the room.

Did Mr. Hunt move any resolutions?—He was there, and moved a string of resolutions; he spoke a couple of hours.

Was he there at the first part of the time?—He came in subsequently.

Did he move any adjournment?—He did.

What day did he propose?—I think the first day of the meeting of parliament.

Was any other day moved as an adjournment day by any other person?—Young Watson came forward, and moved instead of that day it should be that day fortnight, but afterwards it was said Monday fortnight.

Did Preston make any observations at that time with respect to the meeting?—Yes, I had been to the window, and I heard Preston say,

this was a most glorious day, for there were a hundred thousand people before him, a hundred thousand countrymen.

Was Watson in the room during the whole of the proceedings which you have stated?—He was.

This was on the 15th of November?—It was on the 15th of November, the first meeting.

Then the Monday fortnight would have been, what?—The Monday fortnight would have been the second of December, I believe.

Mr. Michael John Fitzpatrick cross-examined by Mr. Sergeant Copley.

You have told us of something that passed in the room before Mr. Hunt came there?—Yes.

Something that passed between Dyall and Preston?—Yes.

But you say you did not see Watson till Mr. Hunt came into the room?—I did not observe him before.

Then you cannot say Watson was there, when the business took place in which Preston and Dyall were concerned?—No.

Watson you first observed when Mr. Hunt came into the room?—I observed them both standing behind Mr. Hunt. I stood next to Watson, between him and his son.

Besides Mr. Hunt and Watson, there were a great number of persons who accompanied Mr. Hunt?—A great number.

You say Mr. Preston made some observations as to the number of people; was that after Mr. Hunt had spoken two hours?—Yes.

You tell us that something was said about the day of adjournment. Watson proposed it should be Monday fortnight?—First of all that day fortnight.

Afterwards somebody moved it should be Monday fortnight?—No, it was mentioned to him it should be Monday fortnight.

By whom?—I do not know.

Was that adopted by Mr. Hunt, as the day to which the adjournment should take place?—It was proposed by young Watson, and seconded by some other person.

Was it adopted by Mr. Hunt? Did he make it part of his resolutions?—No.

Were there not resolutions at that time proposed by Mr. Hunt, to the persons assembled?—The resolutions had been proposed by Mr. Hunt before, and this was an amendment by young Watson.

Did Mr. Hunt propose it to the people present, to know whether they would adopt it?—It was certainly put.

By Mr. Hunt?—By the chairman.

Who was the chairman?—Mr. Clarke.

And it was carried by the meeting?—Yes.

Was it not afterwards promulgated as part of the resolutions of the day?—There was nothing further said, after that it was put and carried.

I ask you whether, when this adjournment was proposed by Mr. Watson's son, Mr. Watson did not interfere to prevent it?—No, the

elder Mr. Watson had a roll of paper in his hands at the time.

When this alteration, with respect to the day of adjournment, was proposed by young Watson, did not Mr. Watson senior interfere, to attempt to prevent it?—No.

Do you swear he did not do so, or did not you observe it?—I did not observe him interfere at all.

You will not swear that he did not?—I will swear he did not interrupt his son, take hold of him, or stop him from proposing that motion.

It was proposed as a motion, and carried by the persons assembled?—Yes.

Was it debated at all, whether it should be adopted or not?—It was merely put by the chairman.

Was it debated by any of the persons there assembled, whether that resolution should be adopted or not?—No, it was not.

Immediately upon being announced it was adopted?—It was upon being put.

Mr. *Shepherd*.—Was it proposed by young Watson as an amendment of Mr. Hunt's resolution?—It was.

Lord *Ellenborough*.—I wish it to be understood, that the Court expect that no part of these proceedings shall be published during the trial. The Court, of course, must animadvert upon it if it is done.*

Mr. *Vincent George Dowling* sworn.—Examined by Mr. *Attorney General*.

Were you at the meeting that took place at Spa-fields on the 15th of November last?—I was.

Where were you? in the Fields, or in the Merlin's Cave?—In the crowd, in front of the Merlin's Cave.

In the field?—In the field.

Was there a large number of persons there?—A very great number.

Did you hear Mr. Hunt, address the populace?—I did.

From what place?—From the window of the Merlin's Cave public-house.

Did you see any flag at that meeting?—I did.

Where was that displayed?—From the window of the Merlin's Cave public-house.

What sort of a flag was it?—It was a tri-coloured flag, green, white, and red.

Was there any inscription upon it?—There was.

Do you recollect what it was?—I do not recollect the express terms, but there was some reference to Justice, Humanity, and Truth. I cannot recollect the precise words, I should recollect them if I saw them, and could identify the flag.

* *Vide* Lord Melville's case, *antè* Vol. 8, p. 606; Brandreth's case, A. D. 1817, *infra*; Thistlewood's case, A. D. 1820, *infra*; R. v. Clement, 4 B. & A. 218.
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Was any day proposed to Mr. Hunt, as a day to which the meeting should adjourn?—Mr. Hunt proposed the first day of the meeting of parliament.

Did you hear any body, and if you did, whom, propose any amendment to that?—The younger Mr. Watson first proposed it should take place that day fortnight, but subsequently that it should take place the Monday fortnight, which would be the 2nd of December.

How long did they stay there?—From the first to the last. I cannot justly call to my recollection, but from 1 o'clock to about 5, to the best of my recollection.

You left Spa-fields when the other persons did; did you afterwards attend the meeting on the 2nd of December?—I did.

Had you seen any advertisements or placards stuck up, advertising that second meeting?—I had.

Will you have the goodness to look at that? [Handing a placard to the witness.]—That I believe to be a copy of the placard to which I allude, and which I saw on the walls, antecedent to the meeting.

Lord *Ellenborough*.—Is this the one that was produced by Seale?

Mr. *Solicitor General*.—Yes, my lord.

Mr. *Wetherell*.—I take it for granted, this thing will be brought home to the prisoner.

Lord *Ellenborough*.—The contents of the large and of the small paper were stated to be the same.

Mr. *Wetherell*.—No, my lord, they are very different.

Lord *Ellenborough*.—The contents appear to be the same.

Mr. *Sergeant Copley*.—I took an objection, and the ground of my objection was, that we had not had notice to produce what Watson took away.

Lord *Ellenborough*.—We shall wait till they have completed their proof as to that paper.

Mr. *Sergeant Copley*.—It went off as Crisp was called.

Mr. *Attorney General*.—I apprehend, with great deference to your lordship, that we are now in a situation to read that paper.

Lord *Ellenborough*.—I think the printer stated, that he printed several hundred of them, specifying the contents, and that Watson took away five and twenty of them.

Mr. *Wetherell*.—I allude to the large bills; it is proved the small ones were taken away, but we have no identification of the contents of the large one.

Mr. *Justice Bayley*.—He stated that the contents of all were the same, and twenty-five of the large ones were taken away by Watson.

Mr. *Wetherell*.—Yes, my lord, but who

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brought the paper to be printed is not proved.

Mr. Justice *Bayley*.—If they are all originals, you may read any one of them, as well as the one carried away by Watson.

Mr. *Wetherell*.—We have had no notice of the contents of the paper.

Mr. Sergeant *Copley*.—These were printed from a manuscript. My learned friends were not able to give any account of this manuscript, therefore we contended they could not read this copy of it. It was said Watson had taken some copies away; that was said in order to satisfy the court; but to let in this duplicate, I submit, Watson should have had notice to produce the original. Your lordship recollects a case* where a copy of a letter taken off by a machine, which would necessarily be a true copy, was offered in evidence, but it was held, that the party there must have notice to produce the original letter; our objection is, that the manuscript is not properly traced, or proved to be lost, and that it ought to be produced, or some account given of it.

Lord *Ellenborough*.—He takes away twenty-five copies of one uniform impression, by which he, having come with Preston, recognizes them as having been printed under their orders.

Mr. Sergeant *Copley*.—It does not appear that at that meeting he came with Preston. Castle ordered that paper.

Lord *Ellenborough*.—Castle brought it with an order to print five hundred copies; Watson fetched away several, about twenty-five; by this he adopted the printing as done in the execution of an order which he had given; and when he takes twenty-five or thirty out of a common impression, they must be supposed all to agree in the contents.

Mr. Justice *Bayley*.—Your objection at one time was, that we could not receive this, because this is not the very document which was in the possession of Watson; that Watson ought to have had notice to produce those twenty-five copies which he had carried away, and that without such notice, any other evidence of the contents was secondary evidence, and inadmissible. Now it seems to me, that that is not the case, for that every one of those which are worked off are originals in the nature and character of duplicate originals; with respect to which it is clear, you are at liberty to give one duplicate in evidence without giving notice to produce the others. There is another ground on which this would be made evidence.

Mr. Sergeant *Copley*.—In the first place the original manuscript was left with the printer; he gave no account of that, and we say these are copies of that original manuscript, therefore being copies, and he giving no account of

the loss of the manuscript, he cannot show they corresponded with the original.

It is said, these are all duplicate originals, but in fact they are duplicate copies, and it by no means follows they are all alike because they are printed; it by no means follows, in point of law, or in point of fact, and therefore I submit they cannot give them in evidence, unless we have notice to produce that parcel which we took away, and if we withheld it after notice, they might then show it corresponded with those now produced; but that cannot be done in the first instance, I apprehend the rule of law is not varied by the use of machinery. In the case of the letter copied by a machine there could be no mistake; but my lord *Ellenborough* decided that it did not vary the rule of law, as to originals and copies; if they had given us notice to produce the one we took away, they might have shown this corresponded with that.

My learned friends felt the force of the objection, and they endeavoured to supply it, because they called *Crisp* to supply it. Your lordships rejected his evidence, and therefore, my learned friends admit they feel the weight of it, and I submit this paper cannot be read.

Mr. Justice *Bayley*.—It is clear this is not offered as evidence to show the contents of the manuscript; if it was, there would be considerable weight in the objection; but all these when printed become originals, and the manuscript is thrown off and discharged: it is in evidence, that they are all from the same press, and therefore they must be the same.

Mr. *Wetherell*.—The object of calling the witness first, was to bring the manuscript home to one of the conspirators.

Lord *Ellenborough*.—In that they failed.

Mr. *Wetherell*.—Then, my lord, do not they fail *in toto* as to the use of it? because a placard can only be used as to the matter contained in it; the entire drift of producing the placard is, to show it contained improper matter. My lord, when I first took the objection, the witness said a person of the name of Castle brought the manuscript to be printed; I said this must go for nothing. I then understood it was put in conditionally, in order that the manuscript sent to the printer, might be brought home to the prisoner at the bar; and the lord chief justice said, unless it were brought home, it was only an act done by Castle. The question is, how is the act advanced as against the prisoner? it is produced to show it contained treasonable and seditious matters, or some other matters promotive of the matters charged in the indictment; the prosecutor cannot say he does not produce it for relevant purposes; the matter charged is matter of treason and sedition; and the placard, it is stated, was calculated to promote those objects: the manuscript is brought home to none of the prisoners—no copy of it is ve-

* *Nodin v. Murray*, 3 Camp. 228.

rified, but something which is not identified as a copy of the manuscript is put in—for what? for no purpose but to be read; and I say they cannot produce it for the circumstance of the date, or any other circumstance whatever; but the paper is produced to show the matter it contains—that it contains matter promotive of the objects charged in the indictment, and therefore the question resolves itself into this; here is an improved copy of an alleged original, not brought home to any body.

Mr. Justice *Abbott*.—Do you propose to offer any thing further, brother Copley.

Mr. Sergeant *Copley*.—No, my lord.

Mr. Justice *Abbott*.—I am of opinion that this paper is to be read in evidence now. If it were offered, in order to show the contents of the manuscript supposed to have been originally delivered to the printer, it might be contended, perhaps, that sufficient evidence had not been given to let it in; but there is another view in which it seems to me sufficient has been done to authorize this paper to be read; here is a meeting held at Spa-Fields, on the 2nd of December, at which it has been opened, and I suppose it will be proved, that Watson, and some other persons connected with him in this indictment, were present; then in order to show that Mr. Watson (who was present at that meeting) knew the contents of a placard that had been posted about this town, relating to the meeting, and giving notice of it, this fact is proved—that the printer having from his own head, if you please, printed a large number of papers exactly like that produced, delivered twenty-five of them into the hands of Watson, and that that took place on the 28th of November, four days previous to this meeting. Does not that show that Watson knew the contents of this paper (which was placarded about the streets) relating to that meeting, at which I understand he afterwards attended? And if he had notice of the contents of the placard, it is evidence against him.

Mr. Justice *Holroyd*.—I am of the same opinion. This is not a question of copy and original; whether a number of papers printed from a manuscript, were fac similes of the manuscript, is not the question before the Court. They were printed by the orders of two persons who came to the printer, and the prisoner took twenty-five copies away; that circumstance shows, there must have been an order given for these things, a part of which he comes and gets—none of them are originals more than the rest—not those taken away more than those left behind. The question is, whether the prisoner at the bar took away part of the impression which was printed, and whether that may be proved in the way proposed—it goes to show his knowledge of the contents of these placards, and I am of opinion, that this paper may now be read.

Lord *Ellenborough*.—When you wish to

prove that a party has notice of the contents of a newspaper, you show by one witness that he had a copy of the paper, and by another what the contents were: it is of perpetual occurrence.

[The Placard was read as follows:]

ENGLAND

Expects every Man to do his Duty.

The Meeting in Spa Fields.

TAKES PLACE AT 12 O'CLOCK.

On Monday, December 2nd 1816.

To receive the answer of the PETITION to the PRINCE REGENT, determined upon at the last meeting held in the same place, and for other important Considerations.

THE PRESENT STATE OF GREAT BRITAIN.

Four Millions in Distress !!!

Four Millions Embarrassed !!!

One Million-and-half fear Distress !!!

Half-a-Million live in splendid Luxury !!!

Our Brothers in IRELAND are in a worse state—The Climax of Misery is complete—it can go no farther.

Death would now be a relief to Millions—Arrogance, Folly, and Crimes—have brought affairs to this dread Crisis.

Firmness and Integrity
can only save the Country !!!

After the last Meeting some disorderly People were guilty of attacking the Property of Individuals; they were Ill-informed of the object of the Meeting, it was not to plunder. Persons suffering in these Calamitous times in common with others; the Day will soon arrive when the Distresses will be relieved.

THE NATION'S WRONGS MUST BE REDRESSED.

JOHN DYALL, Chairman.

THOMAS PRESTON, Secretary.

Seale & Bates, Printers, Tottenham-Court-Road.

Mr. *Attorney General*.—You have already said, you had seen placards like this stuck upon the walls in different parts of the town?—I had.

You went to the meeting on the 2nd of December?—I did.

Did you observe whether many people assembled there?—There were a considerable number.

At what time of the day did you go there?—I went there about eleven o'clock.

In the morning?—In the forenoon.

Did you observe any waggon drawn into the Field?—On my arrival in the field I went to the Merlin's Cave, where I understood the meeting was to take place; I ascended into the room, where the former meeting took place, and I perceived from the window a crowd assembling at that end of the field next Cold-Bath-Fields' Prison; in consequence of that observation, I proceeded from the Merlin's Cave, to the spot where I saw the crowd assembling; on my arrival there I observed several persons, some of whom bore flags; one of them I recognized to be the same flag which I had previously seen on the 15th exhibited from the Merlin's Cave window; the second flag was of a smaller description—it was tri-coloured, and bearing the same colours with the larger one; there was a third man, bearing a banner, a large square frame, and a piece of white cloth, on which were inscribed the words—"The brave Soldiers are our Friends, treat them kindly." To the best of my recollection those were the words upon the placard: some of the persons assembled wore tri-coloured cockades, corresponding in colours with the flags which I have already alluded to. The centre of attraction seemed to be a waggon, which I then perceived for the first time: into this a great number of persons ascended: there was considerable confusion: but after a little lapse of time I observed the prisoner Watson mount upon the edge of the waggon, and wave his hand, as if to intreat silence.

Did you see any other persons in the waggon, whom you knew, or whom you recognized?—I saw Mr. Hooper, and I saw young Watson; Mr. Preston I saw subsequently: the elder Mr. Watson, the younger Mr. Watson, and Mr. Hooper.

Mr. Justice Abbott.—You said, I think, that you saw Mr. Preston?—I did not see him till subsequent to the speech, he was then either ascending or descending, I could not tell which, he was elevated rather above the crowd: the elder Watson waved his hand, as if to intreat silence from the crowd around him, which was considerable.

Were you near enough to hear whether he did address the crowd?—I was quite near enough; in fact, I was within, I suppose, ten yards of the waggon.

Can you repeat to my lord and the jury, what he said, or any part of what he said, with perfect recollection?—I took a short-hand note.

Mr. Wetherell.—I do not wish to occupy your lordships' time improperly, but this is a point of considerable importance—whether this speech, of which the witness has a short-hand note, ought not to have been set out as an overt act in the indictment?

Mr. Justice Bayley.—This is evidence of the overt act.

Mr. Wetherell.—I object, my lord, that they have not stated the substance of the speeches, they only allege that there were speeches.

Lord Ellenborough.—Did you ever know an averment of all that was said? Has there ever been an indictment for high treason in which the charge has not been *general*, "*divers speeches*" and so on? and has an instance ever occurred in which the express words of a speech or consultation were set forth?

Mr. Justice Bayley.—In *R. v. Francia*,^{*} one of the overt acts charged was the writing several traitorous letters; it was objected, that as the contents of those letters had not been set forth in the indictment, they could not be given in evidence, the objection however was over-ruled.

Mr. Sergeant Copley.—In that case the object of the letters was stated in the indictment, namely, that it was to invite the king of France to send troops to this country: although the indictment did not state the words, it stated the substance of them.

Lord Ellenborough.—The object.

Mr. Sergeant Copley.—No, my lord, the substance; "letters notifying the intentions and resolutions of him the said Francis Francia, and the said other traitors to move and levy the said war, and requiring aid in the said war of the said Foreigners and other persons then in France."[†]

Will your lordships allow me to refer to what is stated by Mr. East,[‡] as the result of all the cases upon this point? "Upon an Indictment for compassing the king's death, in which a treasonable declaration of the prisoner was alleged as an overt act, but was only set forth in substance, it was objected in arrest of judgment, that the words of the declaration were not specified, but the Court unanimously held the indictment sufficient; it was laid, that the declaration contained incitements, persuasions, and promises of reward, to induce the people to join in rebellion, which was an overt act of the treason charged, namely, the compassing the king's death; and this being the substantial charge, it was sufficiently set forth: in the cases of Coleman[§] and lord Preston,^{||} the substance only and purport of the letters found upon them were set forth: in Stayley's case,[¶] which was in the reign of Charles the Second, I remember particularly now that the words were set out; "the words were spoken in French, and the purport of them was stated in Latin; in Francia's case the like rule was laid down, that it is not necessary to set forth the letters themselves of a treasonable correspondence, it is sufficient to state the substance and intent of them, for they are evidence of the secret compassing and imagination of the

^{*} 6 St. Tr. 73; 15 How. St. Tr. 931.

[†] Vide the Indictment against Francia, 15 How. St. Tr. 903.

[‡] 1 E. P. 6, c. 2 s. 58.

^{||} 7 How. St. Tr. 1.

[§] 12 How. St. Tr. 645.

[¶] 6 How. St. Tr. 1501.

heart: in Dr. Drake's Case,* it was said by lord Holt, that either the very words of a libel might be charged, but then the smallest variation which changed the word was fatal: or the substance and effect of it may be stated, and in that case, if the sense be rightly stated, it is sufficient;† now your lordship sees by advertising to this record, that the substance of these words, and speeches, is not stated upon the record, but it is merely stated in general terms, that he made seditious inflammatory speeches; the indictment does not profess to give the substance of any of those speeches, but the object of them is stated, and I think I can undertake to say, there is not a single instance to be found anywhere, where in an overt act of treason—

Lord Ellenborough.—In the cases of Hardy and Horne Tooke, were the letters or speeches set out?

Mr. Gurney.—No, my lord.†

Mr. Wetherell.—There the speeches were not alleged as treason.

Mr. Justice Abbott.—There were speeches and writings.

Mr. Gurney.—Yes, my lord, and letters: Paine's Rights of Man were given in evidence.

Mr. Wetherell.—Your lordship will perceive that this point arises on a treason assigned for the first time, under the stat. 36 Geo. 3rd, under which there has hitherto been no indictment; for I believe that in the indictment against Despard and his associates, this treason was not inserted.

Mr. Gurney.—Yes, it was.‡

Mr. Wetherell.—By that act, the conspiring to levy war to compel the king to change his measures is made high treason. With reference to the fourth count of this indictment, which is founded on that statute, it is material that this speech should have been set forth, that we might have been apprised what those measures of the king were which we are indicted for conspiring to compel his majesty to change. Where the treason charged is a conspiracy to compel the king to change his measures and the overt act is a speech made, it is surely necessary to set out, if not the words, at least the substance of that speech—that the king was required to equalize the distribution of property—that the king was required to disburse a certain sum amongst the poor—or that the king was required to reform the Parliament: for how can we know whether that speech is calculated to compel his majesty to change his measures unless we are told to what it relates?

Lord Ellenborough.—Can there be a doubt that this is evidence under the overt acts for levying war? it is evidence *quo animo* the thing was done.

* Salk. 660.

† See the Indictment, 3 How. Mod. St. Tr. 224.

‡ See the Indictment, 7 How. Mod. St. Tr. 359.

Mr. Wetherell.—Your lordship sees the puzzle in which we are. Four treasons are charged by this indictment; the like of which was never before seen in the Crown office. If you can put four treasons upon one record, it appears to me that the requisites of the stat. 7 and 8 W. 3 are rendered unavailing.

However, having stated the point generally to your lordships, I will only add that this appears to me to be a new question; and that if the *corpus* (if I may so say) of the treason consist in a speech which is to bring about the death of the king by force, it is impossible that the party can know, as the statute of king William intended he should,* what the overt act charged against him is, unless the substance of the speech is set out upon the record.

Mr. Sergeant Copley.—I do not, my lords, urge this objection as it respects young Watson, but as it respects the elder Watson.

Lord Ellenborough.—I am perfectly convinced that the evidence is admissible.

Mr. Justice Bayley.—I am entirely of the same opinion. In *Rex v. Francia*, the court adopted a rule very strongly applicable to the case. There the indictment alleged as an overt act that the prisoner "did traitorously compose and write, and caused to be composed and written, several traitorous letters notifying the intentions, and resolutions of him the said Francis Francia and the said other traitors to move and levy the said war, and requiring aid in the said war of the said foreigners and other persons then in France:" the indictment then charged that he caused these letters to be sent. It was objected for the prisoner that the letters themselves ought to have been set out; the court, however, held that this was not necessary inasmuch as the overt act was sufficiently stated, and the contents of the letters were evidence to prove that overt act.

In the present case it appears to me that it is sufficiently stated as an overt act that the prisoner made and uttered seditious, inflammatory and treasonable speeches and harangues; and I think that the particular terms which he used are evidence to prove that overt act. The principle upon which this evidence is admissible, is clearly established by the case of *R. v. Francia*, and by other cases.

Mr. Justice Abbott.—I also am of opinion that the overt act is stated with sufficient certainty to authorise the court to receive this evidence; it is laid with as much certainty as has been usual in similar cases. In Hardy's case, it was charged as an overt act, that the prisoners composed, wrote, and published "divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses, and writings, purporting and containing therein, among other things, incitements, encouragements, and exhortations to move induce and persuade the subjects of our said lord the king to choose deputies and send

* Vide 7 and 8 W. 3, c. 8, s. 8.

"and cause to be chosen deputed and sent persons as delegates to compose and constitute a convention:" and the contents of these books and letters were given in evidence, under this overt act, although they were not set forth in the indictment.

In the present case, even if the indictment had contained no such overt act as that upon which this question has been raised, I should nevertheless have been of opinion that the evidence was admissible; for what the prisoner himself said at the moment with reference to what was then passing, must be most material evidence to explain the character of those proceedings, and to shew whether the insurrection and riot which afterwards occurred, amounted to a levying of war.

Mr. Justice *Hobroyd*.—I am of the same opinion. I think that this overt act is sufficiently stated. I do not see how this evidence could possibly be rejected; because several other overt acts are laid, of consultations and of conspiring to levy war and to seduce the soldiery, and these speeches uttered by the prisoner himself go to shew the very nature and object of the conspiracy, they are offered in evidence for that very purpose and it is impossible to reject them.

Lord *Ellenborough*.—If there had been no particular overt act under which this evidence was receivable, it is an universal rule of evidence that what a party himself says may be given in evidence against him, to explain any part of his conduct to which it bears reference.

Mr. *Wetherell*.—We do not object that it is not evidence, but that it is not proof of the overt act.

Lord *Ellenborough*.—There cannot be a doubt that whatever proceeds from the mouth of man may be given in evidence against him: it shews the intention with which he acts.

Mr. *Attorney General*.—There was no use in wasting this half-hour, if my learned friends admit that it is evidence.

Mr. *Wetherell*.—I will waste an hour, if I think the object is a good one.

Mr. *Attorney General*.—[to Mr. Dowling.] You state that you took in short-hand the address of Mr. Watson to the people?—I did.

Have you your short-hand notes here?—I have.

Be so good as to read to my lords and the jury what it was he said.

Mr. *Wetherell*.—Pray, Mr. Short-hand writer, when did you take that note?—I took it on the 2nd of December, in Spa-fields.

When did you copy it out?—I copied it out the same evening.

Is that the copy you made that evening?—No, it is not; this is the short-hand note I took, and this is a literal copy; the short-hand note I took with a pencil, and in the crowd, and perhaps having been taken six months back, it may be somewhat defaced, but I can read the short-hand note with a little difficulty,

though certainly I could read the transcript with more ease; I will read the short-hand note if it is wished.

Mr. Justice *Abbott*.—You made that transcript the same evening?—I made this transcript yesterday; I made another transcript the same evening.

Mr. *Wetherell*.—Be so good as to lend us the transcript while you read it: I shall shew the short-hand writer is mistaken in one word at least.—It is very probable I may have been mistaken, from the circumstances in which I was; I can only say, that the note was as correct as it could be under the circumstances under which it was taken. Mr. Watson himself spoke first: "Friends and Countrymen, We are convened this day, in consequence of a resolution passed at our last meeting, to hear the answer to the petition, which we agreed to present to the prince regent. I cannot refrain from expressing the pleasure which I feel at this moment in addressing so respectable a meeting. The petition to which I allude, and which Mr. Hunt was deputed to present to the prince regent, was prepared, in the hope that his royal highness would give an answer to the cries of these starving thousands by whom he was addressed. I am sorry to inform you, however, that he has resolved to give us no answer [groans and hisses]; it is useless therefore to take that course. This day we are called on to pursue another [cheers]. 'England expects that every man will do his duty;' we are called on because 'four millions of our countrymen are in distress, because as many more are embarrassed, and because a million and a half fear distress.'—While these miseries exist, how few enjoy splendid luxury? only half a million, as this placard expresses, are not either in fear of embarrassment or in debt. Under these circumstances, I ask you, friends and countrymen, if the ministers have done their duty in advising the prince regent not to hear our cries?—[Answer from the multitude, No, no.] Has the prince regent himself done his duty?—[No, no.] Was there ever a more calamitous time in this country than this moment? [No, no.] It is not only in this country that we are thus oppressed; our sister country, Ireland, has shared in our misfortunes; there the climax of misery has been brought to a close, there their sufferings cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain for redress? [Answer from the multitude, No, no.] The present then is the time to do something. [Cheers and buzzes from the crowd.] What will men, with the minds and hearts of Englishmen—will they continue thus for months and years to be starved?—[Answers of No, no.] How then are we to be restored to our rights? Not by talking—not by long speeches—not by petitions, for our petitions are not heard [reiterated cries of Bravo.]—It appears that we are placed in a

state of bondage—the rights of civil society are not attended to—the calls of the multitude, from time to time, avail nothing—that Parliament, which was intended for the protection of the people, was invited to assemble together to take into consideration the distresses of these calamitous times—to consider in their wisdom; if they possessed wisdom, the situation in which we are placed, in vain. In this distressing situation they should have assembled together, and taken into consideration the prayers of the dying multitude, and not have been deaf to our cries. [They ought, they ought]. It must rest with ourselves now to consider how we shall relieve ourselves in these calamitous times—we have been truly told, that trade and commerce are annihilated; but we still have the earth as our resource—the earth was by nature intended for the support of mankind, and is sufficient to place every man, in distress, in a comfortable situation. If a man has but a spade and a hoe to turn up his mother-earth, that will prevent him from starving. In the situation in which we are placed how is this to be done? I will tell you, I have said, that the bonds of civil society have been neglected—what then is our situation? They have placed us in a state of nature—they have neglected the cries of the hungry and starving people: not a day that we pass through the streets of this great metropolis, but we see people starving to death. Are they ignorant of this? If they are they ought not to be; but they are not. They have come to a resolution not to relieve us: they know full well, that the people are starving in every part of the kingdom, while they will admit of no measure to relieve them—[groans, and cries of shame—down with them.] Will they now hear our cries?—[Answers from the crowd of No, no.] Have they not been supplicated in the language of men—in the language of forbearance and patient suffering?—[Yes, yes]. The Israelites were in a state of bondage for four hundred years; but we have been double that time. Ever since the Norman conquest kings and lords have been deluding you, they have in many instances converted you to their own wicked purposes; but this must last no longer.” At this moment the younger Mr. Watson rose from the waggon, having been standing immediately behind the elder Mr. Watson, and took his place. I conceive that Mr. Watson concluded his speech very abruptly, and that if he had not been interrupted he would have gone still further; and perhaps I may explain there is a difference between this and the report in the public newspapers.

Lord *Ellenborough*.—If any question upon that subject is put on the cross-examination this may be proper; but I think not otherwise.

Mr. *Attorney General*.—When the elder Mr. Watson had finished his harangue, did any body in his presence address the mob?—The younger Mr. Watson did.

Did you take a short-hand note of that too?

—I did, the closest note I could. Mr. Watson, jun. spoke as follows:—“Friends and Countrymen, the last time we met in this place, I had the honour of saying a few words to you; I was the person who proposed the resolution that we should meet again this day, I said then, if we were to hold our meeting on the first day of the meeting of parliament, it was not in our power to tell when we should meet, and it might be, that we should never meet at all. At that time it was agreed, to present a petition to the prince regent. You have been told that your petition was presented, but answer there was none. His royal highness replied, my family have never attended to the prayers of the people, or received petitions, unless they came from the Universities of Oxford and Cambridge, or from the Corporation of London; in a word ‘I will not attend to the prayers of the people’ [groans and hisses]. This man calls himself the father of his people [cries from the crowd, D—n him!]. Is it not the duty of a father to protect his children? [Yes!] Has he done so? [No!]
—No, he leaves you every ground for complaint, while he tramples on your right. [groans and hisses.] There is no luxury which he spares, because he knows the expences will be paid out of your pockets [groans]. Are we to submit to this any longer? [No!] Will Englishmen suffer themselves any longer to be trampled upon like the poor African slave in the West Indies, or like clods or stones [cries from the multitude of “No! we must have relief!”] we can expect none from their hands. Yes—I beg your pardon—since our last meeting, from the resolutions which were passed, calling upon the people to come forward, some persons have received some ox-cheek soup, and beef-bone broth [laughter]. Some persons have come forward with their two and three hundred pounds, who should have come forward with their one or two hundred thousand pounds. Do you believe that those people are sincere in their wishes for the people? [No!] These men come forward to rob you of all you possess, and then give you a penny to pay the turnpike. The prince regent, in his great generosity, has given you 5,000*l.* out of funds which do not touch his own pocket! [cheers and hisses.] Yes—it appears that he plunders you of millions, and then gives you a part of the spoil [cheers and groans]. My friend here has been described by the treasury Journals as a second Wat Tyler. No bad title: for be it recollected, that Wat Tyler stepped boldly forward for the purpose of opposing an oppressive tax; and would have succeeded, had he not been basely murdered by William Walworth, then lord mayor of London. But we have no bull-rush lord mayor now, and if he was surrounded by thousands of his fellow countrymen as I now am, there would have been no doubt of success! [cheers and huzzas!] It seems to be the determined resolution of ministers to carry every thing with what they call a high hand; or, as they say, ‘Our sove-

reign lord the king will carry every thing with firmness.' In short, they will carry the business in defiance of the voice of the people [hisses]. If they will not give us what we want, then, shall we not take it? [Yes!] Are you willing to take it? [Yes!] If I jump down among you, will you follow me? [The crowd answered with loud acclamations, yes! yes!] At that time Mr. Watson seized one of the tri-coloured flags on his right-hand, jumped down and proceeded; those in the waggon got down, and those not in the waggon followed him toward Coppice-row—all who were in the waggon jumped down at the same moment, as if influenced by the same spirit, and followed him.

Mr. *Wetherell*.—You must not give us your inferences—you may state the facts.—They appeared to be influenced by the same spirit.

Mr. *Attorney General*.—At the time young Mr. Watson was speaking, did you see where Mr. Watson senior was?—He was in the waggon by his side.

Lord *Ellenborough*.—Did he jump down?—I did not see who jumped out of the waggon first, but they all left it as quickly as they could, considering the crowd that was about it.

Mr. *Attorney General*.—Did all the persons that were in the waggon go along with the rush in the mob?—As far as I observed, they did.

Did you observe whether any persons who were in the waggon, or the mob, had cockades?—Yes, I did; I think Mr. Hooper had a tri-coloured cockade, and that the younger Mr. Watson had; I am not so certain of the elder.

Did you see Preston about the same time that they jumped out of the waggon?—I did.

Where was he?—He was close to the waggon, I imagined at the moment he was upon the waggon; he was elevated on some part of the waggon, but my attention being directed to my notes, I was not able to make close observations on every person there.

I think you said that the younger Watson seized one of the flags?—In his hand, and with it jumped down.

Which was that?—I think it was the larger one, to the best of my opinion.

Were a number of persons of the mob in your sight till they came to the corner of Coppice-row?—I followed them to that part.

How far was Coppice-row from the waggon?—I should suppose at the utmost extent, a couple of hundred yards.

When they came to the corner of Coppice-row, did you see a person of the name of Stafford?—I did.

Do you know Mr. Stafford?—I do.

What is he?—I have always understood him to be chief clerk at Bow-street Office.

Did you see what Mr. Stafford did?—I observed Mr. Stafford with others, impede the progress of the mob, and attempt to seize the flags; I had previously noticed a smaller flag

which was pulled down, as was also a banner, with the inscription I have described.

Do you know who was carrying the banner or the flag, not in Watson's hand?—I do not, it was a person in a sailor's jacket; I conceived that the larger flag when it turned the corner changed hands, but into whose hands it went I cannot exactly determine.

How far did you follow them?—I stopped for a short moment—I knew that a force of police officers were placed at the corner, and I observed Mr. Watson standing near to a public-house, which is there situate.

Which Watson?—The elder Watson: the crowd rushed on down Coppice-row, I followed them a little way, but from some declarations I heard, I was induced to return and acquaint the magistrates with what I had heard, and what I conceived to be the intentions of the crowd.

What was the cry of the mob at the time they went off?—Some cried "come to the Tower," and others, "to the lord mayor;" but I conceived they were bearing towards the city—indeed I was satisfied from their declarations.

Mr. *Wetherell*.—Tell us what you saw, not your conceptions?—I did not see them speak, but I heard them.

Mr. *Attorney General*.—You heard both those cries—some crying "to the tower," and some "to the lord mayor?"—Yes.

Did you observe whether any persons in the mob had arms?—I saw one man with a sword or cutlass, and on another man I thought I observed the butt end of a pistol in his breast.

Mr. *Wetherell*.—Tell us what you saw, not what you thought?—I saw a man with that which I believed to be a pistol in his breast.

Mr. *Wetherell*.—Then you should have used a stronger word than thought, if you saw it.

Mr. *Attorney General*.—What did you see?—I saw that which I believe to be a pistol, I had no motive at the time to magnify the appearance of the thing, I believed it to be a pistol.

Did you follow the mob immediately, or go back to Spa-fields?—I returned to the magistrates, and from thence I went elsewhere, and subsequently into the city.

Did you afterwards go towards the city for the purpose of seeing what was doing?—I did.

I think you say you saw the elder Mr. Watson, at the end of Coppice-row.—I did.

Did you see where he went to afterwards?—I afterwards met him with a portion of the crowd who had gone in the direction of Cold-bath-fields, going after the other mob down Coppice-row, as I returned.

As you returned, you met him going in the same direction as the other mob?—Yes, the elder Mr. Watson was with those other persons, they were not going with the same rapidity, but they went in the same direction,

Did you go into the city afterwards?—I did.

Did you in any part of the city come up with any part of the mob?—I did.

Where did you first see them in the city?—In the Minorities.

Which way did you go into the city?—I passed by Mr. Beckwith's shop in Skinner-street, which I saw demolished.

That is, before you come to Newgate-street?—Yes.

Were there any part of the mob at Mr. Beckwith's at that time?—There were not.

In what state did it appear to be at that time?—The windows appeared to be very much broken and shattered; the shop appeared to be in a very dilapidated state, but the shutters were put up to hide the appearance of it as much as possible.

Where did you come up with the mob?—In the Minorities.

Did you see any person's house that was being attacked, or had been attacked?—The house of Messrs. Brander and Potts bore the same appearance as Mr. Beckwith's, and I saw also Mr. Rae's house, which was demolished in the same way.

What are Brander and Potts?—They are Gunsmiths, and Mr. Rae is a gunsmith. They are on opposite sides of the same street; in the front of Mr. Rae's shop there were some pikes, and some long guns, I saw a very long gun, a duck gun, and some muskets and things of that sort, pulled down and lying in front of the shop, outside the window.

Do you mean in the street, outside the shop?—Yes, the windows of the shop itself were quite demolished and destroyed.

Had any of the mob arms at that time?

Mr. Justice Abbott.—He has not said that the mob were there at that time, I think.

Mr. Attorney-General.—You did not see the mob at those houses?—No, the mischief had been done at that time, I met the mob coming up the Minorities, I suppose three or four hundred of them, some of them armed with guns, some with pistols, some were charging their pieces, and others discharging them.

Mr. Justice Abbott.—Had you met them before you came to Brander and Potts's house?—Nearly opposite to Brander and Potts's house; they were armed with guns, pistols, cutlasses, dirks of various descriptions, and also a small brass carronade, I believe it was.

Mr. Wetherell.—Every word is belief?—I am not a very good judge myself: to the best of my belief it was a carronade.

Mr. Attorney-General.—What do you mean by a carronade?—A brass piece of ordnance on wheels, and drawn by men.

In whose possession was that?—Of the crowd—it was drawn by sailors; two sailors drew it in front, and one, with a marling-spike, or a spike of some kind, guided it behind.

Were those who drew it part of the mob?—They were persons of that description, riotously inclined.

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Mr. Justice Abbott.—I think you said something about their discharging their pieces?—Yes, some were discharging their pieces in the air, not to do mischief.

Mr. Attorney-General.—How long did you continue with the mob?—Till they were dispersed by the horse-guards.

How soon after that was it, that the horse-guards made their appearance?—Perhaps ten minutes, or a quarter of an hour; they were marching up the Minorities, and I heard some of the people cry "To Spa-fields."

When you say marching up the Minorities, do you mean towards Spa-fields?—Yes.

Then you heard some of them cry "To Spa-fields?"—Yes, I did.

Lord Ellenborough.—This was after you had seen the demolished state of the houses? they were then returning?—Yes, they were then returning, after the mischief had been done; I was not present when the demolition was made.

Mr. Attorney-General.—Did you go back to Spa-fields?—I did, after the mob had been dispersed.

Were you present when the mob was dispersed?—I was immediately in the rear when the horse-guards arrived; I partly suspected the horse-guards were coming.

Mr. Wetherell.—Your evidence is all suspicion, really you must not tell us your suspicions.—I saw them arrive, and I found that the cause of the mob running, was the arrival of the horse-guards.

Mr. Attorney-General.—Did you return to Spa-fields?—Yes.

Was there any meeting in Spa-fields still continuing, or had they dispersed?—There was a very numerous meeting at Spa-fields when I got back.

Do you know who any of the people were who called out, "To Spa-fields," from among the mob?—No, I cannot speak to that; it was a mixed multitude of sailors, and men, and boys.

Mr. Vincent George Dowling cross-examined by Mr. Wetherell.

Have you applied for any employment under government?—I have not.

Of any kind?—No.

Have you had any promise made to you?—No.

Of any kind whatever?—No, of no kind whatever.

Have you ever said that you had had a promise of some employment?—I never had a promise of any employment, certainly not.

A promise of any reward?—I have been told that I should be paid for my labours, as a short-hand writer, and I went to Spa-fields expecting to be paid as a short-hand writer.

You have never said that you expected, or had been promised any reward whatever?—Certainly not.

II

Have you never said that you expected a reward or appointment in consequence of something that had passed?—No.

Have not you said that, or something of that kind?—I have said that I expected to be paid for the labour I performed, as a short-hand writer. It is perhaps unnecessary to state what attendances I had afterwards.

Do you mean to say, that the reward you have expected is merely for your labour as a short-hand writer?—And my attendances in consequence.

Have you not said, that you expected some reward from government, not confining it to your wages as a short-hand writer; that you expected some reward or employment from government?—I certainly spoke generally, that I expected to be remunerated for the trouble I had had.

Are those the precise words you used?—Upon my word I cannot recollect the precise words.

You are used to a great deal of precision in taking a note of other persons words?—I do not happen to have taken my own.

You have never said you expected some reward from government, not confined to your wages as a short-hand writer?—I have said that I expected to be rewarded generally, certainly for my trouble, but never spoke of any appointment, or of any situation, or applied for any, or expected any.

You have never applied for any particular place?—No.

Nor expected you were to have any particular place?—Certainly not.

You expect merely a reward for your labours, as a short-hand writer?—Reward means a reward for labour performed; and my labours have extended beyond my duties as a short-hand writer.

Then you expect something further?—I expect something further than my pay per folio.

Did you attend the meeting on the 15th of November?—I did.

By whose directions did you attend?—I do not know that I received any directions to attend.

You must know whether you did or not?—I believe I did not receive the directions of any person to attend.

Are you not bound, as a short-hand writer, to know whether you were sent? Were you sent by any body, and by whom, to attend the meeting on the 15th of November?—I was not. It was left to my own discretion.

Who spoke to you upon the subject?—Perhaps it may be necessary to explain——

Who left it to your discretion?—I will explain. I am connected with a public newspaper, and have been for some years, and it is my duty to do the best I can for my proprietors, and in the public duty—

This is a speech, and not an answer?—It is an extempore speech. I cannot call to remembrance, whether I attended from my own sug-

gestion, or whether it was suggested to me, but I attended that meeting.

Who desired you to attend on the 2nd of December?—I attended by desire of the proprietors of the Observer newspaper.

Had you any direction from any one in the Secretary of State's Office, or any magistrate?—I had not, nor never had any previous communication with them.

Then what is the ground of your claim for wages?—For labour performed.

They will say they did not send you perhaps?—Not on that day, but subsequently they did.

Were you or not, desired by any person to attend there?—I was not: when I arrived at Merlin's Cave I was addressed by a gentleman, an assistant to Mr. Gurney the short-hand writer, and was requested by him to take a note of the speeches in the field on that day; and conceiving myself at the moment under Mr. Gurney's immediate employment, I took a note of these speeches.

How came you to consider yourself under Mr. Gurney's immediate employment, you have nothing to do with Mr. Gurney?—By desire of Mr. Gurney's clerk, that I would assist him on that day.

Then you were desired by Mr. Gurney's clerk to take a note?—Yes, I was.

Your directions came immediately from Mr. Gurney?—From Mr. Green.

Who is Mr. Green?—Clerk to Mr. Gurney. Having taken this note on the 2nd of December, to whom did you give the copy when you had transcribed it from your note?—I gave it to Mr. Beckett.

Mr. Beckett the under secretary of state?—Yes, so I understand.

Have you any doubt about that?—I have just now.

Lord *Ellenborough*.—I doubt very much whether these particulars relative to the proceedings of government should be inquired into.

Mr. *Wetherell*.—I am aware, my lord, that in *R. v. Hardy*, and in *R. v. Horne Tooke*, the court, on the grounds of public policy, would not permit the name of an informer to be disclosed. No question was made that the name of a magistrate or accredited person might be asked; and the court drew a distinction between protecting the name of a third person and that of a minister or servant of the public.

Mr. Justice *Abbott*.—Unless I am very much mistaken, the court held, in *R. v. Hardy*, that whether the witness had given information to a member of government, or to some other person with a view that such person should make the communication to government, in neither case could the witness be compelled to disclose the name of the individual to whom he had given the information.

Mr. *Wetherell*.—Having looked into this point, your lordships will allow me, with great humility, to trouble you with a very few words. The point first arose in the case of a

person to whom the communication had been made, in order that he might be the link between the informer and the government. No objection was taken to the question; whether a particular magistrate or servant of government had not given the directions. I am not asking to matters of secret information, but to matters of fact—to whom he delivered it.

Witness.—Perhaps, in justification of myself, I might be allowed to explain the circumstances and the manner in which I made the communication to which Mr. Wetherell alludes.

Mr. Justice Abbott.—It was ruled by all the judges that the witnesses could not be compelled, on cross-examination, to disclose the names of the persons to whom they had given information of the proceedings of the society, whether such persons were magistrates, or actually concerned in the administration of government, or were only the channel through which the information was conveyed to government. In Hardy's case, a witness, conceiving their views to be dangerous, had consulted a private friend what steps he should pursue, the friend advised him to communicate the information to government; and on cross-examination the question arose whether he could be compelled to disclose the name of that friend, and it was ruled by lord chief justice Eyre, Mr. Baron Hotham, and Mr. Justice Grose, that he could not—*contra*, the lord chief baron and Mr. Justice Buller. That is the note I made before the trial appeared in print.*

Mr. Wetherell.—Your lordship's note entirely coincides with the printed book, which I consulted two days ago, and if your lordship's opinion be against me, I will not proceed further. The point there was the disclosure of the middle man, but I conceive it was not decided that the counsel for the prisoner might not ask whether the witness made a communication to the secretary of state.

Mr. Justice Abbott.—The first proposition, as I (being a very young man at the time) have taken it is, that the witness could not be compelled to disclose the name; whether the party were a magistrate, or concerned in the administration of government, or merely the channel through which the information was conveyed.

Mr. Wetherell.—It is with great deference that I should question the accuracy of your lordship's note; but I apprehend it will be found to have been admitted there that we may inquire through what officer of government the communication was made.

Lord Ellenborough.—A communication to a member of government is a communication to government; it cannot be asked whether a communication was made to government by that person; it is a secret of government, and you

have no right to inquire into it; I recollect lord Kenyon decided the point in Stone's trial.

Mr. Wetherell.—My lord, I will not press the matter further. You did in fact communicate this to Mr. Beckett.

Witness.—If I may be allowed by their lordships to explain the innuendo—

Lord Ellenborough.—No, I do not allow you to explain it, because I think it is not a proper subject for inquiry.

Mr. Wetherell.—I do not trace this further than to government: you communicated this note to some gentleman (I presume the objection does not apply, if the name is not used)—to the under-secretary of state?—To Mr. Beckett.

When did you make the communication to him of the note?—I think it was the ensuing morning.

Did you give him, the ensuing morning, the verbatim copy which you have read to us to-day?

Lord Ellenborough.—You are now taking a course which I think ought not to be pursued. There will be no safety in communicating the most important intelligence to government, if such matters are not kept secret, and if the channels of communication are to be revealed. They have hitherto been held sacred and I see no reason for departing from the rules which have on former occasions been adopted.

Mr. Justice Abbott.—In Hardy's case, the witness Groves was asked on his cross-examination, "How came you together?—I was sent by a gentleman!" "By whom?" The witness then addresses the Court, and says, "I am asked, my lord, by whom—if it is proper, I will tell." Mr. Gibbs, one of the counsel for the prisoner says, "If it be improper I will not ask it;" the witness says, "If it is a fair question I will answer it directly;" the lord chief justice says, "There can be no imputation upon you for answering the question: if you decline answering, that is another thing; it exposes you to no difficulties, or penalty, or any thing of that sort: "None," the witness replies, "it is only a point of delicacy; I am ready to give an answer, I have not the least objection on my part:" then Mr. Law says, "My lord, I take it, the channels for information must be protected:" Mr. Attorney General says, "The Court of Exchequer never would permit that question to be asked:" Lord Chief Justice Eyre says, "Upon a general principle, I do not know whether it ought to be answered:" The witness says, "It was a person high in office under his majesty: but permit me to add, I was not desired by that gentleman to conceal his name." Mr. Gibbs, "Then where is the delicacy of it?" Lord Chief Justice Eyre, "He has said what is proper and material for your purpose, that is, that he went there, being employed for the purpose of collecting information, with a view to the disclosure of

* *Vide* Hardy's case, 3 How. Mod. St. Tr. 753, 811, and the other authorities cited in 1 Phil. Ev. 284, 5th ed.

it." Mr. Gibbs, "I will not press the question further than your lordships think I ought, I leave it to the discretion of the Court, if it is thought not proper." Lord Chief Justice Eyre, "I do not think it is proper." Then it goes on—Mr. Gibbs, "Then you were desired by a person high in office to go to that place;—how arose your connection with that gentleman?" "My connexion with that gentleman has been for these ten years, that is, so far as having the honour of being personally known to him." "What sort of connexion had you with him?" Lord Chief Justice Eyre, "It is hardly proper that the history of a connexion of that kind should be disclosed here." The witness says, "that gentleman would not employ me in any thing dishonourable, nor would I accept it." Mr. Gibbs, "I dare say you would not." Then lord chief justice Eyre says, "You find he went on purpose to give information of what passed; that is the only fact that is material for the prisoner, the rest is private intercourse, which may involve in it the consideration of a thousand other things which may be material to the government of the country; I think it not proper to be disclosed here, it is not necessary to the cause."

Mr. *Wetherell*.—Your lordship sees I do not go to any ulterior conversation between him and government.

Lord *Ellenborough*.—You only wish for the fact of the communication.

Mr. *Wetherell*.—Just so, my lord. Did you communicate to the under secretary of state, a full copy of your report?—I communicated to him a rough copy, intended for newspaper insertion; it was not so exact a transcript of my notes as that in his lordship's hand.

Was that the substance, though not so exact?

Mr. *Solicitor General*.—We cannot go into the contents of a written paper.

Mr. *Wetherell*.—Did you see in the papers of next morning the paper you gave for the purpose of insertion?

Mr. *Solicitor General*.—He cannot be asked, my lord, as to the contents of a newspaper, which is not produced.

Mr. *Wetherell*.—Yes, if he gave it to a newspaper, it is by way of verifying it; it is certainly a fact, whether that note was in the paper the next morning.

Mr. Justice *Bayley*.—Then you must produce that paper.

Mr. *Wetherell*.—Did you give your note to Mr. Hone's publication?—No, indeed, I did not.

Your note you gave to Mr. Beckett the next morning?—I communicated to Mr. Beckett that I had a note the next morning, and gave him a transcript in the evening.

Did you take any note of the word that was

upon one of the flags, was it "Friends" or "Brothers"?—No, I did not, neither did I swear positively that it was either the one or the other. I only swore that I believed the word was, "The brave Soldiers are our Friends." I would not undertake to say, whether it was friends or brothers.

You say you took the best note you could of what passed?—Certainly.

Was there a good deal of noise and disturbance among the mob, while those two speeches were going on?—While the two speeches were going on, they were extremely quiet, and were all attention to the speeches; occasionally there were shouts, and those shouts did always end immediately.

What time of the day was it, to the best of your recollection, when the speeches finished on the second of December?—The speeches of the Watsons, I think it must have been before or by half-past twelve.

Was the younger Watson's the last speech that was made?—It was.

Who spoke besides the two Watsons?—Nobody else that I heard.

Were you in a situation in which the people might perceive you taking the notes?—Yes, and many did.

In what part of the field were you?—I was in front of the waggon.

How far were you from the Watsons?—I conceive about ten or a dozen yards from the waggon.

Was the interval between you and the waggon filled up by the crowd?—It was.

When you were taking notes of this speech did you perceive any of the police officers about?—I did not take notice of any.

Did not you see Mr. Stafford near the waggon?—No.

You met him afterwards?—I saw him afterwards.

Do you happen to know the persons of the police-officers of Bow-street, so as to say, whether they were near you?—I know the persons of a good many of them. I cannot say whether they were near the waggon.

You said you spoke to Mr. Stafford, where was that?—I did not say that I spoke to Mr. Stafford, I said I saw him.

Where was he when you saw him?—At the end of Coppedge-row.

Did you chance to see him before the speeches closed among the crowd?—I did not.

How many minutes was it after the speech had closed when you saw him taking one of the flags?—In three or four minutes. It was not so much as that, I should think; the crowd was passing, and I saw a rush made by the officers, I saw Mr. Stafford among them, and I saw the flag fall.

You talked about a magistrate; to what magistrate did you go?—Mr. Baker.

Lord *Ellenborough*.—I do not think he is bound to disclose the representation he made to government, with a view to the punishment of the parties.

* Hardy's case, 3 How. Mod. St. Tr. 753.

Mr. *Wetherell*.—My object is, to show the notoriety of the meeting, and that in consequence of that notoriety the short-hand writer, the magistrates, and the police officers were all present.

Mr. Justice *Bayley*.—You have proved that such and such magistrates, and such police officers were there.

Witness.—There were two or three police officers in the room, when I made the representation.

Mr. *Wetherell*.—Who were those magistrates?

Lord *Ellenborough*.—I must forbid him to answer that.

Mr. *Gurney*.—This was not at the meeting, it was in a room.

Mr. Justice *Abbott*.—Was your question as to magistrates whom he saw there, or magistrates to whom he went afterwards?

Mr. *Wetherell*.—To magistrates at or near the place.

Lord *Ellenborough*.—You may certainly inquire what magistrates were on the spot; but with respect to the magistrates to whom he made communications in the discharge of his duty, neither their names nor his communications can be given in evidence. If you wish to show that there were many magistrates looking on who must have seen what passed, in order to found any argument upon it hereafter, you may certainly prove that fact.

Mr. *Wetherell*.—That is all I wish my lord, I do not wish to go to any communication—what magistrates were there in Spa-fields—how near?—In a house, two or three doors beyond the Merlin's Cave, I found, I think, three magistrates.

Who were they?—One, I believe, was Mr. *Baker*, the name of the other I do not recollect; there was one, a gentleman belonging to Hatton Garden office.

How many yards was this house from the place where the waggon stood, and the speeches were made?—I cannot estimate the number of yards; but I suppose four or five hundred yards at least, it was a long distance.

Now, without asking you what passed between you and the magistrates, when you had heard the speeches, you went to the magistrates?—I did.

Were there any police officers with the magistrates?—There were.

How many?—I met two or three in the passage, and one showed me the house where they were.

Did you happen to go to the top of Spa-fields to see whether there were any dragoons?—I did not.

Did you look about to see for any?—I was in the room in the Merlin's Cave, and I did not see any.

A red coat on horseback catches the eye, did you happen to see any in the neighbourhood?—I did not.

Did you go to any of the magistrates in the Cold-Bath-Fields prison?—I did not.

You do not know whether any of the magistrates were there or not?—I do not.

You say that you saw one man there, as you believe, with a pistol?—Yes.

Did you see any body else with arms there?—Another man I saw with a short sword.

Are you sure about the pistol?—I have already said, that I believed it to be a pistol from the appearance, but I certainly cannot swear to it.

You saw the tri-coloured flag?—I did.

What were the colours of the flag?—I think white, green, and red.

You should have called it a tri-coloured flag, and not *the*.—I called it a tri-coloured flag.

You know the value of *a* or *the* as well as I do, was it a French tri-coloured flag or not?—I do not think it was.

Have you a doubt that it was not?—I do not think it was.

Do not you know it was not?—I know it was not.

That it was not the French tri-coloured flag?—It was not.

You called it *the* tri-coloured flag?—I did not, I called it a tri-coloured flag.

You did not?—I did, the short-hand writer's note will prove that.

Did you arrive at Mr. Beckwith's at the time the shop was being broken open?—I did not.

You followed the mob to the Minories?—I did.

You did not take a short-hand note of the speech made to the garrison at the Tower?—I did not.

Had you no curiosity to go down to the Tower?—I had the curiosity to look to Tower Hill, and I saw the Tower was there.

Though the people cried do go down to the Tower, you did not go there with them?—I met the body of the people coming back from the Tower, as I supposed.

But you did not go down to the Tower?—I went to the end of the Minories, and saw Tower Hill and the Tower.

Where did the people fire their pistols in the air?—In the Minories.

Did you go any where else but the Minories?—I followed the crowd up the Minories, till they were dispersed, then I came back again.

Where to?—I went from thence home to my office.

Have you been examined as a witness before the Grand Jury at Hicks's Hall?—I have.

When were you examined there?—I do not recollect precisely the date.

Did you lay before the grand jury at Hicks's Hall, the copy of your short-hand note you have read to day?—I read it to them.

When was this?—I have already told you I do not recollect the exact date.

Do you recollect the day, or about, when you read over to the grand jury at Hicks's-hall the note of those speeches?

Mr. *Solicitor General*.—My lord, I apprehend it is not competent for my learned friend to ask him what he deposed before the grand jury.

Mr. *Wetherell*.—I ask him only to facts, the day of his attendance, and whether he produced the note?

Lord *Ellenborough*.—On that subject I have a considerable doubt; I remember a case in which a witness was questioned as to what passed before the grand jury, and though it was a matter of considerable importance, he was permitted to answer; it was a case of life and death.

Mr. *Solicitor General*.—Certainly, the case having occurred, I would not trouble your lordship with a word; I should have thought, as the grand jurymen are sworn to secrecy, what passed between them ought not to be inquired into.

Lord *Ellenborough*.—I had doubts, and I know many very eminent men at the bar had doubts, but I remember the case perfectly.

Mr. *Wetherell*.—Can you give me about the date that you went before the grand jury at Hicks's-hall?—I do not recollect the day, or about the day.

Do you recollect being examined at the Old Bailey?—Yes.

In Mr. Watson's case?—Not in Mr. Watson's case.

Against Mr. Hooper?—It was against a man of the name of Simmonds; I was in court all that day, or the greater part, but I do not recollect being examined on Mr. Hooper's trial.

Have you forgotten going to the Old Bailey to be examined against Mr. Hooper?—I remember being at the Old Bailey, and being examined.

Is your name Vincent George Dowling?—It is.

Do you mean to say you do not recollect being examined?—I was examined on some trial that day.

But you do not recollect whether you were examined on Hooper's trial?—I know thus much, that to the best of my recollection I was examined on one or two trials, and there was a trial on which I was not examined, and where I expected and wished to have been examined, on account of a particular circumstance that occurred.

Were you or not examined on Hooper's trial?—Just give me leave to recollect; I believe it was on Hooper's trial that I was examined, and not Simmonds's; I know I was subpoenaed on all of them.

You believe now it was Hooper's, do you?—Yes.

Did you examine the waggon when you went back to Spa-fields?—I did not.

That did not come within your province, you were not desired to look into the waggon at all?—I do not know that I was desired to do any thing particularly, except take notes of what might take place on the field.

Have the goodness to recollect whether you were not examined on Simmonds's trial as well as Hooper's?—I think to the best of my recollection, that it was on Simmonds's I was not examined, though I expected to be examined; my recollection, certainly, is not precisely clear as to which of the trials; I know I was examined on one, and was desirous of being examined on the other, for a particular reason that occurred.

How came you to be desirous of being examined? that is not common?—I will inform you; I had gone from the court upon business of my own, and, in my absence, I understood, that Mr. Justice Park in summing up the evidence, stated, when he came to my name, "the next witness, gentlemen of the jury, is Mr. Dowling, but who this gentleman is, or what he is, we have not heard;" and I was desirous of acquainting his lordship who I was, and what I was, and was desirous of informing his lordship where he might ascertain.

That is all you wished to say?—Yes; Mr. Gurney and Mr. Alley were present on the occasion, and kindly explained who I was, and what I was.

Mr. *Vincent George Dowling*, re-examined by Mr. *Attorney General*.

You have been asked, what were the particular words upon the banner: I did not understand you to say that you took any note of what was on the banner?—I did not say that I did; I said that I saw a banner, on which there was an inscription.

Whether you are accurate in the words you cannot tell?—I cannot say.

You say you took the best notes you could, did you find any difficulty in taking any note at that time?—The undulation of the crowd, affected me; but not materially.

Lord *Ellenborough*.—It is but justice to the witness to say, that on looking over all the notes taken by the Court, we none of us find him mention the tri-coloured flag till he mentioned it with reference to what he had before stated.

Witness.—I am obliged to your lordship.

Mr. Justice *Abbott*.—He first spoke of a tri-coloured flag; I have it thus on my note: "I saw a flag displayed from the window, white green, and red."

Witness.—It is only Mr. Wetherell's accuracy against mine.

Mr. *Wetherell*.—He might as well have mentioned the colours.

Mr. Justice *Bayley*.—He did: after having spoken of being at the Spa-fields meeting, on

the 5th of November, he says, "There was a tri-coloured flag, green, white, and red;" and then he afterwards says, in another part of his evidence, "I saw some people bearing flags, one of which was the same I had seen exhibited on the 15th from the Merlin's Cave, and there was a smaller flag, both tri-coloured."

Mr. Attorney General.—With respect to Mr. Stafford and the Bow-street officers, did you see any of them near the waggons, or was the first time you saw them when the mob were advancing from Coppice Row?—I had seen the Bow-street officers previously at the corner of Coppice-row; but while at the waggon I did not see them.

The place where you saw the magistrates was at a distance from that part?—Yes, above the Merlin's Cave.

When a part of the mob went away with young Watson, was there a very large number of people left behind in Spa-fields?—There were a considerable number remained, whom I left behind. Perhaps I ought in justice to myself to say, that there are certain explanations which I could have made, which I am not unwilling to make, but which would do away the insinuations Mr. Wetherell has made.

Lord Ellenborough.—The court have decided that that is matter which they cannot receive: the feelings of the witness must submit to the rules of the court.

Witness.—I am bound by the decisions of the Court. I beg your lordship's pardon for mentioning another fact, but your lordship has announced the wish of the Court, that the proceedings on this trial should not be published until its close; I am fearful, that previous to that desire being expressed, a publication has been made in many evening papers, and probably to the extent of some thousands, I trust your lordship will give the proprietors that indulgence which their ignorance of your lordship's wish bespeaks for them.

Lord Ellenborough.—What has been done cannot be prevented, but the desire of the Court must be strictly attended to.

Mr. Justice Abbott.—If I am not wrong in my recollection, the same direction was given in the trial of Mr. Hardy.

Witness.—I was ignorant of that, my lord, and was a mere agent for others.

Lord Ellenborough.—The Court do not pronounce, that what has been done is not a contempt of the Court: what the persons publishing have done during the progress of the trial, they have done at their peril.

Witness.—I was ignorant of it, my lord.

Mr. Wetherell.—You sent the attorney-general's speech, I suppose?

Witness.—I have sent no part, I have written no part, I was not in Court at that time.

Mr. Wetherell.—You have sent part of the prosecutor's case, I suppose?

Lord Ellenborough.—You must not examine this gentleman to know whether he has been guilty of an infraction of the order of the Court.

Mr. Wetherell.—It would have been as well this gentleman should have stopped—I do not very well understand this una-lateral note-taking, my lord.

Witness.—I do not understand this una-lateral term.

Mr. Wetherell.—I will take the liberty of making application to your lordship, that as these notes or papers are not already gone out to the public, they may be stopped.

Mr. Justice Bayley.—I am afraid from what has been stated, that it is too late, and that many of them have been sent off by the post.

Lord Ellenborough.—Whether they have incurred the penalties of a contempt, is a question upon which we do not now enter; the Court has warned such as publish any part of the proceeding before it is concluded, that it will be viewed as a high contempt.

Mr. Wetherell.—I give you notice, Sir, that if one of your papers contains the attorney-general's speech, I will proceed upon it.

Mr. Attorney-General.—I assure you, I should be very sorry there should be one word in any paper whatever; I would not for a moment countenance such a thing, but the witness is under the protection of the Court.

Lord Ellenborough.—Certainly.

[It being now nearly eight o'clock, four officers were sworn, in the usual form, to attend the jury.]

Lord Ellenborough.—Gentlemen, I would suggest to you, that it would not be proper that you should read any newspaper account of what has passed in Court.

A Jurymen.—My lord, I hope we should not think of doing such a thing.

Lord Ellenborough.—You will not suppose that I mean to intimate, that I believe you would do any thing you considered as improper.

A Jurymen.—It would be highly improper, my lord; certainly we feel it so.

Lord Ellenborough.—The Court will proceed at nine o'clock to-morrow morning, gentlemen.

COURT OF KING'S-BENCH,

Tuesday, 10th June, 1817.

[James Watson was set to the bar, and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.]

Mr. *Wetherell*.—My lord, before the business of the Court proceeds, I would take the liberty of stating to your lordship, that notwithstanding what your lordship stated yesterday, when you, from that bench directed, that none of the proceedings should be published, *de die in diem*, a full account of the attorney-general's speech has been published in the *Observer*, a copy of which I hold in my hand. I am the last man to suppose that any editor would wilfully contravene the directions of the Court, I therefore merely mention it. I suppose Mr. Dowling's notes were communicated with no intention of contravening your lordship's order, but I cannot help saying, that I think Mr. Dowling appears to be a partizan rather than a witness.

Lord *Ellenborough*.—As you have announced that you do not mean to make any motion, the Court cannot hear an address which is not to be followed up by proof. If you propose to move for an attachment the Court will very readily hear you.

Mr. *Wetherell*.—It is Dowling's paper, which contains this.

Mr. Justice *Abbott*.—I am pretty confident that when you were speaking to Mr. Dowling upon that subject, he said he had taken no notes yesterday.

Mr. *Gurney*.—He did, my lord.

Lord *Ellenborough*.—If no motion is to be made, it is not necessary to enter into this.

Mr. *Attorney-General*.—Perhaps your lordship will allow me to say this, I am sure that if any body has contravened your lordship's order, there is no man more ready to stand forth to enforce the law, or to punish any person brought before your lordship, than I shall be, on such an occasion as this.

Lord *Ellenborough*.—The Court will entertain any motion that is made upon the subject; if no motion is made, we pass to the business of the trial.

Charles Sheerman, the younger, sworn.—
Examined by Mr. *Solicitor General*.

Do you recollect, in the month of December last, being in Church-street, Bethnal-green?—Yes.

On what day?—On the second.

At what time of the day?—I believe it was about twelve o'clock.

In the forenoon?—Yes.

Did you see any persons in that street?—Yes, there were a good many.

Was there any flag borne by any of them?—There were several.

Several what?—Flags—cockades, not flags.

Was there any flag?—There was one.

And some persons had cockades?—Yes.

What sort of a flag was it?—Of three colours.

A three coloured flag?—Yes.

Of what description were the cockades?—The same.

Which way were they proceeding?—Up towards Shoreditch.

Did you follow them?—Yes.

Who was carrying the flag?—I do not know.

You do not know his person?—I do not.

Where did those persons proceed to?—Up to Spa-fields.

What was done when they came to Spa-fields?—The flag was taken and planted upon a waggon.

Did you then see any other flag?—Yes, there was another flag on the waggon.

Did any person speak from the waggon?—There was somebody spoke.

At the time that you came?—There was speaking, but I did not hear what was said.

Did you observe who spoke from the waggon?

Mr. *Wetherell*.—He has not said that any body did.

Mr. *Solicitor General*.—I understood you to say that some person spoke from the waggon?—Yes.

Did you observe who was the person who spoke from the waggon?—No, I did not notice that.

Was the person who spoke from the waggon one of those whom you had seen in Church-street with the mob?—Yes, one of them was.

Was he a young man or an old man?—An old man.

You had seen that person, you say, in Church-street?—Yes.

Was he the person who carried the flag?—No.

—Was he near the flag in Church-street, or where was he?—He was near the flag at times.

You say you did not hear distinctly what was said; did you hear any thing that he said?

—The conclusion of the speech I heard.

What was the conclusion of his speech you heard?—If he jumped down, would they follow him.

Was any thing said by any persons in answer to that?—Yes, they said they would.

Who said they would?—I do not know.

Persons standing near the waggon?—Yes.

Upon that being said, did he do any thing?—He jumped down.

From the waggon?—Yes.

Where did he go?—I do not know.

Did you observe which way?—No, I only observed them going out of the field.

Who were going out of the field?—The flag, and a good many other persons.

Did you follow them, or go to any other part?—I went to the other part of the field.

You did not follow that part of the crowd?—I did not.

You say you saw two flags, did you observe any other?—There was a frame up.

Mr. Justice *Bayley*.—Upon the waggon?—Yes, a frame with white canvas, or something of that kind.

Mr. *Solicitor General*.—Was there any thing upon the white?—Yes, something, but I do not know what.

Mr. Justice *Abbott*.—By something, do you mean words?—Yes.

Mr. *Solicitor General*.—Was there any thing on either of the other flags?—No, not that I know of.

Mr. Justice *Bayley*.—You do not know by what street they left the fields?

Mr. *Solicitor General*.—I will ask, my lord—did you observe which way they went?—No, I did not, I went to another part of the field.

They moved from the waggon?—They did. In what direction?—I do not know the direction.

Do you know the Cold-bath-fields prison?—Yes.

Do you know Coppice-row?—No, I do not.

Charles Sheerman, the younger, cross-examined by Mr. *Wetherell*.

How near to the waggon were you when this speech was going on?—I cannot say, it might be a dozen yards.

The only words you recollect were those about jumping down?—Yes.

You can recollect nothing else about the speech, but jumping down?—No.

That was all you heard?—Yes.

How long were you standing near the waggon before you heard the words about jumping down? five or ten minutes?—It might be as long.

Were you there before the person who used those words and jumped down got up into the waggon? Did you see him get up?—I came with the flag.

Were you present when the speech began, though you could not distinctly hear what the speech was?—No, I do not know that I was present when the speech began.

How long was the orator, whoever he was, speaking, before he jumped down?—Five or ten minutes it might be.

But you heard nothing but the words "jump down"?—No.

Was there a good deal of disturbance during the speeches?—Yes, a good deal of noise and talking.

And hallooing?—Yes, talking and hallooing both.

How near were you?—About a dozen yards off.

And of all the speech you could hear only those words?—No.

In consequence of noise and talking?—Yes.

Did you endeavour to listen as well as you could to what was going on?—Yes.

Was there such a noise and disturbance, that persons, who endeavoured, could not hear?—I could not hear.

And yet you endeavoured to hear?—Yes, I did, as well as I could.

What were the interruptions and noise that

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were made by the people standing round?—Talking to one another.

There was a good deal of interruption of that sort?—Yes.

Was there a good deal of huzzaing?—Yes, there was, and hallooing at times.

Was there pushing, and crowding, and jostling, by the mob?—Yes.

When the speech was over, you went to the other part of the field?—Yes.

What was going on at the other part of the field?—Nothing going on, but only people standing; Mr. Hunt was not come.

Did you follow the mob towards the end of the field, or entirely leave them?—I entirely left them.

You said something which I did not quite understand about some canvass, what was that?—The frame was either painted white or canvass.

Were you near enough to see the canvass?—I did not see distinctly whether it was painted white or canvass; to the best of my opinion it was canvass.

Was it upon a pole?—On a kind of a frame.

You were not near enough to see what it was?—I did not take any particular notice of it.

Did you endeavour to take as much notice of it as you could?—No.

You did not endeavour to see what it was?—No, I did not.

Cannot you give us an account of what this canvass was, that you have spoken of?—No.

What sort of a frame was it?—It was a kind of a frame like a picture frame.

Were there several persons in the waggon when the speaking was going on?—Yes.

What was the number of people round the waggon when this speaking was going on?—I cannot say.

A great crowd?—Yes.

People coming backward and forward to the crowd?—Yes.

A sort of moving mob or crowd?—Yes.

Charles Sheerman, the younger, re-examined by Mr. *Solicitor General*.

You say this frame was like a picture frame, how was it supported?—By a pole.

Mr. *Wetherell*.—I wish you would answer that question a little more distinctly; was the person whom you heard speaking in the waggon, speaking when you got to the waggon?—I do not know.

Which way do you believe it was? was the person speaking when you got to the field?—I believe he was not.

Mr. *Solicitor General*.—You say this frame was supported on a pole?—I believe it was.

Was it on a high pole?—Yes, it was on a highish pole.

Mr. Justice *Bayley*.—Did more than one

I

person speak while you were there?—No, I believe not, to the best of my knowledge.

When that person jumped down, did any other person leave the waggon at the same time?—Not that I know of; there were a great many followed him.

Did you observe the waggon afterwards, whether it was empty, or whether there were persons remaining in it?—No, I did not.

Charles Sheerman, the elder, sworn.—
Examined by Mr. *Topping*.

Do you live in the neighbourhood of Bethnal Green?—Yes, Mile End New Town, which is near it.

Do you remember the meeting at Spa-fields on the second of December?—I do not know the day of the month, but I recollect that must be the time; I was informed that was the day.

Was it in December?—I believe it was.

On the morning of the day of meeting?—I am rather deaf. Since my evidence was taken before Christmas last, Mr. Gifford sent for me. I hope you will excuse me, if I do not put the words so close together, but I will speak to the truth.

Speak the truth according to the best of your recollection, that is all that any body can wish. On the morning of that day were you in Bethnal-green-road?—Yes, I was.

What time in the morning was it?—It might be from nine to ten, perhaps.—I was going after some business.

Did you see any number of persons there?—Yes, I did.

How many do you suppose there were?—I cannot rightly tell; I was asked that question by Mr. Gifford.

Never mind Mr. Gifford, but answer the question as nearly as you can; were there a good many people?—There were a good many there.

Did you see any flag, or any thing of that kind with them?—Yes, there was.

Describe what sort of a thing it was?—I believe the flag was red and white, and I believe the other colour was green.

Was it fastened to any thing?—Yes, it was.

What was it fastened to?—Fastened to something of a pole.

Was it flying at the end of a pole?—Yes, it was.

And the colours, according to your recollection, were green, red, and white?—Yes, I think those were the colours.

Do you know who carried that flag?—No.

Had any of the persons, that you recollect, any cockades in their hats?—Yes, I discovered, I think, it was one, or two; I do not positively know whether there was more or less, one or two I recollect.

Do you recollect what the colour of the cockades was?—No, I did not notice that.

You saw those people in Bethnal-green-road first, which way did they proceed?—They were proceeding towards Shoreditch.

Did the persons with the cockades, and with the flag, proceed from Bethnal-green-road?—Yes, to Shoreditch.

Did you accompany them?—I followed.

From Shoreditch where did they go to?—From Shoreditch they went towards the church.

Did they go to Spa-fields?—Yes, they did.

When they got to Spa-fields, do you know the place called the Merlin's Cave?—Yes, I believe that was the place where Mr. Hunt spoke from.

When you got to Spa-fields, did you see any waggon there?—Yes, I did.

Were there many people when you came with this party, whom you had accompanied from Bethnal-green?—Yes, a great number indeed.

After you got to Spa-fields, did you see what was done with the flag that you had first seen at Bethnal-green?—It was put up into the waggon that stood there.

Were there people in the waggon?—Yes, there were people in the waggon.

Did you hear any persons speak from the waggon?—Yes, I heard a person speak from the waggon, but there were very few words, I could make out.

Did the person, who spoke from the waggon, appear to you to be a young or an old man?—He appeared to be a young man.

Did you observe his hat?—No, I did not particularly observe his hat.

Did you observe any cockade?—I think, to the best of my recollection, there was a cockade.

Are you speaking now of the young man who was speaking from the waggon?—It was a young man that I speak of.

To the best of your recollection he had a cockade?—I think so.

Did you hear any particular words that he addressed to the people?—I remember the words he spoke; he spoke rather loud, and I heard him ask the persons, whether they would like to be fed on ox-bone-beef-soup; I believe those were the words.

Did you hear any more expressions?—He asked them if they would put up with it.

Was any answer given to this question addressed to the people?—They said no, they would not.

Was that the answer of an individual, or the answer of the persons gathered round?—The answer of the persons round.

Did you hear any other words?—There was another word I heard him say, but being so long I have forgotten the word; my recollection is not very good, and I have forgotten the words.

It is some time ago, certainly; you do not recollect any particular words?—By missing that word, by passing that word, I can inform you a little further.

Inform us, as far as your memory goes, of what he said?—Passing by that word, he asked the people if he jumped down from the waggon, or got down, and went first, would they

follow him? the answer by a great many was, Yes.

What did the young man then do, who had addressed this to the people?—He got down from the waggon, and went first; a great many persons followed him.

Did you then pay attention to the people that followed him?—No.

Did you see which way they went?—They went out from the field towards the prison.

Towards Cold-Bath-Fields prison?—Yes, there is a prison there, close by the fields.

You did not follow them I believe?—No, I did not.

You did not pay any farther attention to them?—No.

Charles Sheerman the elder, cross-examined by *Mr. Sergeant Copley*.

Was the person you attended to, speaking when you first got into the field?—I was there in the field at the time when the flag went, therefore I was there when he first got up.

You followed this flag from Bethnal-green from curiosity I suppose?—I was going to hear what Mr. Hunt should say.

And seeing the flag you followed it?—Yes, for I did not know my way to Spa-fields rightly.

Did you fall upon this party by accident, that you accompanied?—Yes, I was going.

Were they going to hear Mr. Hunt too?—I do not know, I understood the flag was going to Spa-fields.

There were many other persons besides you, who were going to hear Mr. Hunt that day?—A great quantity.

You were curious, of course, to know every thing that passed?—No further but as I had little to do, I took a walk that way.

For the purpose of informing yourself, you got as near the waggon as you could, I suppose?—No, I was not very near the waggon.

How near were you to the waggon?—I cannot say, there were a great many people there.

You went there to hear Mr. Hunt speak?—Yes, I did hear Mr. Hunt speak.

Were you as far from the waggon as you are from me?—I cannot say, it might be further, I cannot say.

Or it might be about the same distance?—I cannot say, indeed.

Tax your recollection, and tell me, whether it was about this distance or further?—I cannot say, I did not pay attention any further than I saw the waggon.

Surely you can tell us, whether you were further off from the waggon than you are from me?—I cannot say, for I did not pay that attention.

You did not leave the field with those people?—No.

What became of them, you do not know?—No.

Did you see any persons in the waggon before you came?—There were people in the waggon when the flag was put in.

But you say you were there when this young man began his speech?—A very short time.

Might it be two or three minutes?—It might.

During that time what were the people doing?—I do not know what they were doing.

You did not hear any body else speak?—Only that young man that I know of.

He began to speak two or three minutes after you came to the spot?—I cannot say how many minutes.

There was a great deal of noise, and bustle, and confusion?—There was noise, and bustle, and confusion; I was rather deaf, and could not hear more than I have now stated.

Though you would not undertake to say you were further from the waggon than you now are from me?—No, I will not.

You told us you were examined about Christmas, was it before or after Christmas?—I believe it was before Christmas.

How long was it after this meeting in Spa-fields that you were examined by Mr. Gifford?—I do not know, I do not recollect.

Was it about a week, or shorter than that time?—I think it was more.

Might it be a fortnight?—I have not noticed the time.

Was it sometime before Christmas day?—Yes, it was before Christmas day.

Was it considerably before Christmas day?—I do not know, that has passed my recollection.

Between this and Christmas day you were examined by Mr. Gifford?—Yes.

I want to know whether you were afterwards examined at Hicks's-hall?—No.

Were you ever examined before any grand jury upon this subject?—No.

Was that the only examination you passed on the subject of these proceedings at this meeting?—I was sent for by Mr. ———, I do not recollect the gentleman's name, in Stone-buildings.

How long ago was that? was it before Christmas?—No, it was since Christmas; I attended Mr. Litchfield when he sent for me.

Then, with the exception of the examination by Mr. Gifford, and by Mr. Litchfield, you have not been examined before on this transaction?—No.

Did you stay to hear Mr. Hunt's speech?—I did.

There were a great many people there?—A great number indeed.

Was there one of those three-coloured flags hanging out of the window?—I did not see it.

Did you attend the former meeting on the 15th of November?—I was at one of the meetings at Spa-fields.

Being at two of the meetings, were you at one meeting that took place before this meeting with respect to which you have been giving evidence?—The other meeting I was at, was before this.

Did you hear Mr. Hunt speak at the former

meeting?—I heard Mr. Hunt speaking from the window.

At that time there was one of those three-coloured flags hanging out of the window?—Yes, that was the first time I recollect seeing it.

Did you go into the house where Mr. Hunt spoke?—I was in the bottom part of it.

Did you go up stairs in that house?—I did not.

Did you hear the resolutions proposed by Mr. Hunt?—I recollect his proposing to attend there that day six weeks, I think he said.

Try and tax your recollection, and let us know whether it was so or was not?—I will tell you as far as my recollection will enable me.

What did he say as to the time when the next meeting was to take place?—I positively cannot recollect any particular words that he spoke.

Cannot you tell us the time at which he proposed the next meeting should be held?—I understood, to the best of my knowledge, that we were to meet that time six weeks.

You were attending at that time to what he was saying, as much as you were attending to those speeches the second time?—Yes, I paid what attention I could.

You paid what attention you could at the first meeting, as well as the second?—Yes.

So that if you are mistaken as to what passed at the first meeting, you may be also as to what passed at the second meeting?—I cannot be sure of what it was.

According to your recollection, Mr. Hunt proposed, that they should adjourn to that day six weeks?—Yes.

Perhaps your recollection is not very good?—No.

It is a very imperfect recollection and memory?—It is so long ago, that I have informed you all that lay in my power.

Have you an imperfect recollection, is your memory bad?—Yes, it is rather so.

You tell us you heard some resolutions proposed by Mr. Hunt, were those resolutions proposed to the meeting for their adoption put to the vote?—Yes, I remember he asked the people concerning Mr. Burdett, and the petition.

Did he ask the people as to the time when they were to meet again? did he put that to the vote?—He mentioned it to the people, and they agreed, that Mr. Burdett was to accompany him; that was the first time you allude to.

You say something passed as to the next time the meeting was to be held, was that proposed by Mr. Hunt to the meeting for their consent?—To the persons.

To the people there assembled?—It was put to the vote of the meeting, and they agreed to it.

Mr. Hunt put it to the vote?—Yes, as I understood it.

Let me be quite sure that I do not mistake you as to this point; you say, Mr. Hunt pro-

posed some time, at which another meeting should be held, did he propose to the people, and put that to the vote to know whether they would adopt it or not?—Yes, he put it to the vote, and they agreed that they would meet him.

At the time that he named?—Yes, at the time he named.

And it was put to the vote by Mr. Hunt himself?—Yes, to the best of my recollection.

Charles Sheerman re-examined by
Mr. Topping.

I shall not trouble you about this first meeting. At the last meeting, my learned friend has asked you whether you remained, after a part of the mob and the people were gone away?

Mr. Sergeant Copley.—I beg your pardon one moment. You told my learned friend that you followed this flag, because you did not know your way to Spa-fields?—I had been there once, but I did not know the exact way; when I went the first time I did not know whereabouts it was; I went a long way out of my way, when I went to Spa-fields; I came home with some friends, that was the first time; on the second meeting, when I went, I followed the flag.

You told us you did not know your way to Spa-fields the second time you went; then to a question put by my learned friend on his examination, you said you followed the flag, because you did not know the way to Spa-fields; that was the second time?—I cannot comprehend you rightly; the first time I went I did not know my way to it—

That will not answer my purpose.

Mr. Attorney General.—I must beg that he may be permitted to finish his answer.

The first time I did not know the way, and the second time I followed the flag, because I did not know the direct way.

Mr. Sergeant Copley.—The first time you returned from Spa-fields home again?—Yes.

You returned back again with some persons who of course directed you the way?—The second meeting?

I talk now of the first meeting, and you know that I am talking of the first meeting; you say that the first time you went out of your way, did not you return with some friends?—Yes.

And yet you did not know your way the second time?—No.

Though you had been once and back again?—Yes; though I had been once, I did not know the direct way.

Though you had been once, had deviated, and had returned with friends who showed you the way, you did not know your way again the second day?

Mr. Attorney General.—I beg your pardon, he said he did not know his direct way.

Mr. Justice Abbott.—What he said the first

time was, that he did not know the way rightly, and followed the flag.

Mr. Sergeant Copley.—Was your son with you?—I saw him there as the flag was going.

Do you mean in Bethnal-green?—I saw him somewhere about Church-street, or near Shore-ditch, I cannot say rightly where I first saw him.

Mr. Topping.—The time you have been speaking of was when your son was there?—Yes.

My friend has asked you whether you remained to hear Mr. Hunt speak?—Yes, I did.

He has asked you whether you saw a flag flying, do you know what became of the flag that was in the waggon?—No, I do not.

Did the flag remain in the waggon?—No, it was taken away from the waggon, but what became of it I cannot tell.

Was it taken away from the waggon when he jumped down?—Yes, and the people followed him, a great many followed him.

Did the flag go with them?—As far as I saw—yes, it did.

This young man you say spoke very loud?—He spoke his words very loud.

Mr. Sergeant Copley.—That was not what he said, and that is not the way to examine a witness.

Mr. Topping.—My learned friend Mr. Sergeant Copley and I are at issue upon this.

Mr. Sergeant Copley.—I do conceive my learned friend is very irregular, what he said was, "I heard those words because they were spoken very loud," but he applied no such term to the general tone of the speaking.

Mr. Topping.—That is just what I said, that he heard those expressions, because they were spoken very loud.

Mr. Sergeant Copley.—That is not the way to examine a witness, setting the rules of evidence at defiance; and I beg it may not be pursued.

Mr. Topping.—When an objection is made I will answer it.

Lord Ellenborough.—You had better not address one another by these admonitions, they are not those which ought to be addressed to any gentleman, and that course had better not be pursued, it produces irritation.

Mr. Sergeant Copley.—I am very sorry we do not always regulate our expressions at the moment; I am sorry I have addressed myself to Mr. Topping, but I address my objection to the Court, that the words of the question carried the answer further than the first answer of the witness had done.

Lord Ellenborough.—What were the words put into his mouth which he had not said?

Mr. Sergeant Copley.—That he had said,

that this young man who addressed the meeting, whoever he was, had spoken generally very loud.

Mr. Gurney.—There was no such word as generally.

Mr. Sergeant Copley.—I do not state that Mr. Topping made use of the word generally, but his question applied as to the generality of what was said.

Mr. Justice Bayley.—According to my note I have taken down, "a person spoke from the waggon, a young man; I heard but very few words, to the best of my recollection, he had a cockade, he spoke rather loud, he asked the people whether they would like to be fed on ox-bone-beef soup, he asked them if they would put up with it, they said, no, they would not," that is my note of it.

Mr. Topping.—I am very glad your lordship has read your note.

Lord Ellenborough.—I have taken, "they were rather loud, he asked the people would they like to be fed on ox-bone-beef soup—would they put up with it?"

Mr. Topping.—My lord, I must, in vindication of myself, just say, and I hope not indiscreetly—

Mr. Justice Abbott.—Would it not be better to let the matter rest?

Mr. Topping.—No, my lord, it is made a matter of serious charge, that I have been violating the first principles of my profession; if my learned friend knew me better, he would know that was not my practice; that is a charge which ought not to be made in a court of justice.

Lord Ellenborough.—Those words I think were incorrect.

Mr. Sergeant Copley.—My lord, I did not mean, by those words, to charge my learned friend with anything which should hurt his feelings, but one does not always measure one's expressions at the moment.

Lord Ellenborough.—Those words were certainly incorrect, but I think we had better forget that they were used, and go on with the business; without great care these things will be always occurring, but the sooner they are passed over the better.

Mr. Justice Abbott.—I think you said you were going to Spa-fields that day that you saw the flag?—Yes.

You knew there was to be a meeting at Spa-fields that day, before you saw the flag?—Yes, by what Mr. Hunt had said.

Mr. John Stafford sworn.—Examined by Mr. Gurney.

You are chief clerk at Bow-street?—I am.

On the 2nd of December last was there a large concourse of people assembled in Spa-fields?—There was,

Did you know there was to be a meeting there on that day?—I did.

You had seen placards on the walls in the streets?—Yes.

The bills that were proved in court yesterday?—Yes, the same large bills and small ones too.

Had you been at the former meeting on the 15th of November, and seen it?—Yes, I had.

From what place did Mr. Hunt and those persons who addressed the meeting then address them?—From the window of the house, called the Merlin's Cave.

You now speak of the 15th of November?—Yes.

Did you see any flag displayed from the window of the Merlin's Cave on the 15th of November?—I saw a flag close to the house, I am not sure whether it was displayed from the window or not.

Was the flag displayed?—Yes, it was.

I will thank you if you will describe that flag, was it of one or more colours?—Of three colours.

What were they?—Green, white, and red, a large flag upon a pole.

Was there any inscription upon it?—There was.

Can you repeat the inscription?—I could not make out the whole of the inscription on that day; I saw some words, "Nature, Truth, and Justice." and something else, which I could not make out; but the wind blew the contrary way, and I could not make out the words, those words were in larger letters than the others, and more distinct.

Did you hear the proposition for the adjournment of that meeting?—No, I was not near enough to hear what passed.

Now I will come to the second of December: you say, having seen the placards, you knew there was to be a meeting on that day, and you attended in the field on that day?—I did.

You had a great many police officers, I suppose, there?—A great many in attendance.

At what time did you expect the business of that meeting to commence?—About one o'clock.

And I suppose at the Merlin's Cave?—At the Merlin's Cave.

What time did you arrive there?—I think about half-past twelve, as nearly as I can state.

Did you find any great number of persons there?—A great number, I had seen some going there, that led me there sooner perhaps than I should have gone.

Do you mean by a great number hundreds or thousands?—Thousands.

Did you find any part of the populace assembled at any part of the field different from the Merlin's Cave?—Yes, the lower part of the field, next to the chapel.

That is some hundreds of yards from the Merlin's Cave?—Quite the other side, the

hither side, the Merlin's Cave being on the other side.

The side of the fields next Coppice-row in short?—Yes.

About what object did the populace appear there to be assembled?—A waggon, the horses of which had been taken from it, a large four-wheeled waggon, with a great number of persons in it.

Were there any flags fixed upon that waggon, or held in it?—Yes, two flags, one of them was the flag I had seen at the preceding meeting.

The flag with the words "Nature, Truth, and Justice"?—Yes, and then I took my pencil, and took down the words accurately.

What were the words?

Mr. Wetherell.—There is no doubt what the words were.

Mr. Gurney.—We will produce the flag; was it not "Nature to feed the hungry—Truth to protect the oppressed—Justice to punish crimes."—Yes.

Lord Ellenborough.—You say you have the flag here.

Mr. Gurney.—Yes, my lord, we shall prove it to have been taken at the Royal Exchange afterwards.

Mr. Justice Abbott.—Probably this witness does not identify the flag otherwise than as having those words upon it?

Lord Ellenborough.—If you have the flag here, it will perhaps save time to take it now.

Mr. Wetherell.—The words are so notorious it is not necessary to prove them.

Mr. Gurney.—Mr. Hobler is here with the flag.

[Mr. Hobler, the lord Mayor's clerk, produced the flag.]

Mr. Gurney.—We only want the flag now, we shall swear you afterwards, and prove where it came from.

[The Flag was produced with the Inscription
NATURE FEED THE HUNGRY,
TRUTH TO PROTECT THE OPPRESSED,
JUSTICE PUNISH CRIMES.]

This side of the flag being next the staff, I was enabled to see them more distinctly.

Mr. Gurney.—The word *to* serves for all the three. That appeared to you to be the same flag that had been displayed at Merlin's Cave on the former meeting?—It did.

Was any other flag displayed from the waggon?—There was another flag consisting of the same colours, but without any inscription.

Besides the two flags was there any banner?—There was, between the two flags in the centre.

Lord Ellenborough.—There was a banner you say! I do not know any distinction—

Mr. Gurney.—That is, on a frame:

Lord Ellenborough.—We had better have a description of it.

Witness.—It was on a frame, a large frame of deal board, on a pole, with a piece of calico, I think, on the centre of it, and on that calico there was an inscription.

What was the inscription on that calico?—“The brave Soldiers are our Brothers, treat them kindly.”

Do you remember whether the word was brothers or friends?—I have some doubt about it, but I think it was brothers from the memorandum I have got; I see I have got the word brothers.

That being fixed within a frame did not flutter in the wind like the flags?—Not at all. It was quite legible?—It was.

Lord Ellenborough.—Had you seen that on the former day?—No, my lord.

Mr. Gurney.—At the former meeting you had seen only this flag that was produced?—Only that,

Lord Ellenborough.—How many flags did you see on that day?—Two.

Mr. Gurney.—I believe on the next day you made a sketch of the waggon?

Mr. Wetherell.—It would be very easy to describe people standing in a waggon.

Mr. Gurney.—It is not the description of the people in the waggon, but of the flags, that I am inquiring to—

Mr. Wetherell.—I object to the description in writing, it is matter of verbal description.

Mr. Attorney-General.—My lord, I cannot conceive the objection.

Lord Ellenborough.—Go on; go on.

Mr. Gurney.—Is that the drawing?

Mr. Wetherell.—I object to this, my lord, it is matter of verbal description, not of description by a drawing.

Lord Ellenborough.—Can there be any objection to the production of a drawing, or a model, as illustrative of evidence? surely there is nothing in the objection.

[The witness produced his drawing of the waggon, with a flag at each end, and the banner in the centre.]

Lord Ellenborough.—When was this made?—The next day.

Mr. Gurney.—Were there persons in the waggon when you arrived?—Yes, the waggon was full.

A Jurymen.—My lord, we wish to see the drawing.

Mr. Gurney.—I believe there are some words written underneath it, which the jury might as well not see, if it is handed to them.

Lord Ellenborough.—I have doubled down the words, I suppose they are explanations of something in the drawing, I did not read them.

[It was handed to the jury, and then to Mr. Wetherell.]

Mr. Gurney.—You say the waggon was full of persons?—It was.

I do not know whether you know any of the persons that were in the waggon?—I did not at that time.

Do you now know any of the persons that were in that waggon?—The prisoner Watson. Do you recollect seeing any other of the prisoners in that waggon?—No.

At the time you arrived, was there any person addressing the populace from that waggon?—Yes, a young man.

Not this Mr. Watson?—No if I am accurate in my recollection, Mr. Watson stood close to that young man who was addressing the people rather behind him.

Can you form any judgment of the number of persons surrounding the waggon?—I doubt whether I can form any thing like an accurate judgment; I can certainly conjecture.

Were there a great number?—Yes, I should think some thousands.

Were you near enough to the young man who was speaking to hear his speech?—I certainly heard many words, but I cannot from recollection undertake to recite them accurately, I made no minute of them.

Did he speak loud?—One was loud, and the mob repeatedly cheered his speech, it seemed to consist principally of interrogatories.

The cheers were while he was speaking?—Yes.

And what you heard seemed to consist principally of interrogatories?—Yes.

The mob returned cheers?—Yes, they did.

Do you remember whether the mob returned any thing but cheers, did they give answer to any of his interrogatories?—Yes, sometimes an answer of no, no, sometimes of yes, yes, and then a huzza.

Did you then quit that spot, and proceed towards Coppice-row?—I did.

Leaving the young man speaking?—Leaving him speaking.

Shortly after you had quitted the spot, what did you observe?—I heard a greater noise than usual.

Do you mean proceeding from that spot?—Yes, and I turned my head round, I was not more than fifty or sixty yards from the waggon, I turned round and saw them all in the act of jumping down from the waggon.

Those that were in the waggon?—Yes, and I saw the flags moved from the waggon, and the frame also.

The banner?—Yes.

Then, did the mob move towards you?—Yes, towards the corner of Coppice-row.

Which way did the banner move?—The

whole torrent seemed to be directed the same way.

Towards Coppice-row?—Yes.

Were the flags and the banner accompanying that torrent?—Yes.

Did the flags and the banner lead the mob, or follow the mob?—Part of the mob preceded them.

A large or a small part?—A small part.

When the flags approached you what did you do?—I had previously looked round for some of the officers, to procure assistance, I did not see any on the spot, and as one of the flags came abreast of me, the one without an inscription—

The three-coloured flag without an inscription?—Yes. I rushed from the foot path, and seized hold of it.

On your seizing hold of it, what was done by the bearer, and those around him?—I made an effort to break the pole on which it was raised, but I found it was a stem of a young tree, and was too strong for me, but I got it down, and my foot upon it, and I called out for help, and John Limbrick came to my assistance.

Were you resisted by the standard-bearer and others?—Yes, very much, and was at last driven from the flag, but with a part of it, a slip of green, remaining in my hand.

Mr. Justice Abbott.—It was torn?—Yes, it was, and a slip of the green remained in my hand.

Mr. Gurney.—Did Limbrick do any thing with respect to the frame or the banner?—I turned on my right hand and saw Limbrick struggling with the man who had the frame; he had hold of one end of it, and the man who held it; it was partly down and I jumped upon it, and broke the frame in, and got a part of it.

What use did you make of it when you got hold of it?—As a weapon of defence.

Were you attacked?—Yes, I have got it here—[producing it.]

That is part of the green?—This is the slip of the green that remained; this is the height of the frame—[producing a piece of wood about a foot long.]

Is that one side of the square?—Yes, that was the height of the square, it was not so broad as it is long.

Was that frame seized?—Yes, this remained in my own possession.

Was the other part of the frame seized?—Limbrick pulled the inscription out of it and the other part, I believe, was taken by another officer.

How soon afterwards did you see it?—I did not see it for a long while afterwards.

It was taken to the House of Correction?—The flag was taken to the House of Correction; this remained in the possession of Limbrick; the next time I saw it, was in his possession, which was not till some time afterwards.

Did the mob then proceed towards Smith-

field?—Yes, this struggle hindered them a little, but the press from Spa-fields was so great, that they pushed every thing on.

You could not stop them?—No, I got on one side with what I had secured.

The mob went on to Smithfield?—Yes.

That is, in a direct line towards Skinner-street?—Yes, in a direct line.

Mr. Gurney.—I do not propose proceeding further with Mr. Stafford's examination; the other parts to which I propose examining him will come in better in a further part of the case.

Mr. John Stafford cross-examined by Mr. Wetherell.

You say you took that green piece out of the banner?—No, out of the flag.

Mr. Gurney.—Out of the flag without the inscription.

Mr. Wetherell.—I understood you, you saw two flags and one banner in the waggon?—Exactly so.

Had both the flags the same inscription of "Nature, Truth, and Justice"?—No, one had no inscription.

And the other had the inscription you have mentioned?—Yes.

And the banner had the inscription as to the soldiers you have described?—Yes.

Do you mean to say, that the flag with the inscription "Nature, Truth, and Justice," was the same or a similar flag, to that which you had seen on the former meeting?—I cannot say it was the same; it was a similar one.

I thought you mistook, you said it was the same?—It appeared to me to be the same.

You say you attended the meeting at Spa-fields, on the 15th of November?—I was present.

Were you near enough to the Merlin's Cave to hear any resolution announced as to a future meeting?—No, I did not hear any thing distinctly, but a part of Mr. Hunt's speech.

Were you there at the close of Mr. Hunt's speech?—I was there, but too far off to hear it; for as the mob advanced I retired.

Were you near enough to hear a future meeting fixed?—I was not.

Were you near enough to see the frame of the window from which Mr. Hunt spoke, taken out?—I think I saw them in the act of taking it out, but I have not mentioned that, I should not have thought of it.

Did you go into the gentleman's house, Mr. Monkhouse's house, who keeps the Merlin's Cave, after the meeting was over?—No, I did not; I did not go into the house at all.

Did you see any of the magistrates going into the house?—No, I saw some magistrates in the field; I did not see any of them enter the house.

And you did not yourself, in fact, go into the house?—I did not.

But you saw them taking out the window?—Yes.

At the second meeting on the 2nd of December, you say you were there?—Yes.

Now, I ask you in point of fact, whether the police officers from all the police offices in London, were not present in Spa-fields or near Spa-fields on that day?—I saw a great many, and I believe they were all there.

You are the head clerk at the office in Bow-street?—Yes.

In point of fact, did the magistrates at Bow-street order the whole of the police establishment to attend at the meeting in Spa-fields, on that day?—Yes, there was a general order for their assistance.

Of how many police officers does your establishment at Bow-street consist?—About one hundred.

Were all these hundred police officers present in Spa-fields, or in the neighbourhood of Spa-fields?—No, I should think not, there were many engaged in other ways, perhaps seventy or eighty of them were there.

About how early in the morning were you ordered to attend, and the other officers?—I cannot precisely recollect, I should think as early as ten or eleven o'clock.

I point of fact, were you there as early as ten or eleven o'clock?—No, I was not.

What time did you go there?—It was, I think, after twelve o'clock, I went from the Sessions house, Clerkenwell.

But the inferior officers were ordered to be there by ten or eleven o'clock?—Yes; the reason of my going was, seeing the flag going up from Clerkenwell-green.

It was not your duty, like that of the common police officers, to attend?—No.

How many police offices are there?—Seven, besides Bow-street.

The police officers of all those offices were desired to attend?—So I understood; I can speak to nothing distinctly, only as to Bow-street.

Did you see them there?—Yes, I saw them there from many of the offices.

Have you any doubt that there were some officers from each of the seven police offices in London there?—I have no doubt but there were some from each, and that they were all ordered.

In point of fact, do you know of an order being sent to the magistrates at Bow-street, to give a general direction that all the officers should attend?

Mr. Justice Bayley.—Is that a verbal order?

Mr. Wetherell.—I confine it to that; do you know of a verbal order being sent down by the magistrates of Bow-street to other officers, that all the officers of the other offices should attend?—No.

Did you go round, as you are at the head of the establishment, to the other offices, to direct that the officers should attend?—No, nor did I direct any body to do so.

Were you present at a meeting of the magistrates of the different police offices before the second of December?—No.

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Before the second of December were you present at a meeting of any of the magistrates, to take measures to compel the attendance of the police on the second of December?—No.

Were you present at a meeting of the magistrates of your own office, Bow-street?—I do not recollect a particular meeting, I had several conferences with them.

I do not mean any particular meeting, but a meeting of the magistrates at which they determined that the police should attend?

Mr. Attorney General.—My lord, I should be very sorry to interrupt Mr. Wetherell for that which he considers material to his clients; but I cannot perceive how any thing which passed between the magistrates can be material.

Mr. Wetherell.—My learned friend will not see that I want not the means, but the end; I mean to prove by the Crown's witnesses, or my own, that the meeting was so notorious, that all the police officers were ordered to attend; every one must see that the notoriety and publicity of this meeting, on the 2nd of December, is a material part of this question; I only ask to the fact of directions given, and means taken by all the magistrates to compel the attendance of the police. I apprehend that is a fair question.

Lord Ellenborough.—If the magistrates, in the apprehension of tumult, did order their attendance, that may be asked if it is material.

Mr. Wetherell.—I am not to disclose my argument, but only have a right to have the fact—the magistrates did meet, to give directions to their own officers to attend?

Witness.—Most certainly, the officers at Bow-street did attend.

Lord Ellenborough.—What they ordered may be proper enough, but we cannot go into what passed at their consultations.

Mr. Wetherell.—No, my lord, I ask only as to the directions.

Lord Ellenborough.—Do you happen to know what directions were given?—Certainly, the officers at Bow-street were directed to attend.

Mr. Wetherell.—You speak to the direction to the officers of your own office, but were not present at a meeting of the aggregate magistrates, at which such a thing was settled as to them?—Just so, I certainly saw several officers belonging to other offices present.

Did you go to the top of the field on the 2nd of December?—I did not.

Did you see any soldiers?—I know there were none in the field.

Did you see any near Spa-fields?—I did not.

Do you know that a direction was given, that the military should attend near the field?—I had heard—

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Lord *Ellenborough*.—You cannot ask what he had heard.

Mr. *Wetherell*.—Do you know the fact, that any of the king's troops were directed to attend in the neighbourhood of Spa-fields?—I was informed —

Mr. *Attorney General*.—You must not state what you were told.

Mr. *Wetherell*.—I merely ask you what you saw and heard, I ask you whether any of the military attended in the neighbourhood of Spa-fields on the 2nd of December?—Then I do not know, I did not see any.

Did you yourself, as a fact, give any directions to any military force to attend?—I did not.

During the course of that day had you any, and what communication with any parties of the king's military forces upon that subject?—None.

How near were you to the waggon?—At one time I got, I think, within fifteen or twenty yards of it, but that was a very short time.

Which of the magistrates did you see on the 2nd of December in or near Spa-fields in the course of the morning, mention the names of them?—I saw Mr. Baker near the waggon, and I am not quite certain whether I saw sir Nathaniel Conant and Mr. Hicks; Mr. Baker I am certain to, I spoke to him at the time this was going on.

Mr. Baker was in the field?—Yes, and I asked him if it was to be suffered? I said is this to be suffered, sir?

Sir Nathaniel Conant and the other gentlemen you are not quite so sure of?—No.

Endeavour to recollect as to them?—I really cannot form a belief about it, I was inclined at first to think that I did, but I cannot be sure, I have no doubt that they were there.

You have no doubt that they were?

Mr. *Attorney General*.—Is that from your own conjectures, or from seeing them there?

Mr. *Wetherell*.—This is your own witness, I do not want him to speak to his recollection stronger than he can speak.—Do you know in point of fact, that any magistrates had a room near Spa-fields, at which they met on the 2nd of December?—No.

In Coppice-row?—No.

You do not know that as a fact?—No.

Or near Merlin's Cave?—No.

You do not know in point of fact, that there was a house, or a room, within two or three doors of Merlin's Cave?—I do not know it as a fact; I have certainly heard it since.

I do not ask that; you do not know it as a fact?—No.

Did you see Mr. Baker, or any of the magistrates, going into a room near Merlin's Cave on the 2nd of December?—No, I was never near Merlin's Cave on the 2nd of December.

Besides those magistrates, did you see a

good many constables near Spa-fields?—Near Spa-fields.

Do you know how many special constables were sworn in to attend at Spa-fields?—No.

But you did see extra constables?—I saw persons with staves in their hands whom I did not know, and therefore supposed them to be extra constables.

You do not know how many extra constables attended at Spa-fields?—No, I do not, there were none sent down from Bow-street.

When you had taken the flag away which way did you go? did you go to Bow-street, or where did you go?—I followed the mob a short way down Coppice-row, and then I went to Bow-street; I saw them going in a direction towards the city, and I left them then and went to the office.

Were you examined at Hicks's-hall on any indictment against any of the parties named upon this record?—No.

Were you examined at the Old Bailey on Hooper's trial?—No.

Before the second of December, had you seen any placards or advertisements about, announcing that there was to be a meeting on the 2nd of December?—Many.

How many days before the 2nd of December had any of those placards come to your knowledge as a police officer?—Not more than two or three, I think.

When you saw those placards, did you shew them to any magistrates at Bow-street?—No.

How many days before the 2nd of December, in point of fact, did the magistrate give directions upon the subject of your attendance on the 2nd of December?—On the Saturday I think the orders were given.

The meeting was on the Monday I think?—Yes.

Do you mean the Saturday immediately previous?—Yes; the 30th of November.

The directions you gave on Saturday the 30th of November?—So it strikes me.

In point of fact, do you know of the magistrates having been apprised earlier than that Saturday, of there being to be a meeting on that 2nd of December? how many days previous were the magistrates at Bow-street, in point of fact, apprised of there being to be such a meeting?—I only know of their being apprised by the printed bill's.

I do not mean by the printed bills?—I do not know of any other means.

When did the magistrates meet, to give orders for the attendance of the police officers?—There was no meeting for that purpose.

Were the orders given by one magistrate?—They were given by sir Nathaniel Conant.

Is not your office at the head of the police of the metropolis?—I cannot say.

We know you are the second in command, yours is the head office?—We assume to call our office at the head of the police.

Is not your office the head office? is not sir Nathaniel Conant the first magistrate in the police?—He is the principal magistrate.

Is it not part of his duty to give directions for the police in London?—I wish to answer accurately. Yes, I should certainly say it was his province.

Do not you know, that sir Nathaniel Conant, as the head of the police, has a particular room at the Secretary of State's-office?—Yes.

He has a room in the Secretary of State's-office, in his character of head of the police?

Mr. Attorney General.—My lord, this is not of any consequence, but really this is not a proper question. How can Mr. Stafford know in what character sir Nathaniel Conant has a room at the Secretary of State's-office?

Mr. Wetherell.—In point of fact, has not sir Nathaniel Conant a room at the Secretary of State's-office?—He has.

The orders of sir Nathaniel Conant, as head of the police, are orders which, in respect of his office, are issued to the police in London in general, are they not?—The orders generally issued to the police are from the Secretary of State's-office, not from sir Nathaniel Conant; he sometimes is the means through which the orders are conveyed.

According to the fashionable phrase he is the organ?—Yes.

Did you happen to be with sir Nathaniel Conant, a few days previous to the 2nd, on the subject of any directions to the police, on the 2nd of December?—No, I do not recollect that I was.

Do you mean to say, that before the 2nd of December you were not present with him, on the subject of directions for the police to attend?—I was frequently with him, and conversed with him on the subject of the meeting; but I have no recollection of being present when any directions were given on the subject of the police.

Then being present with him at a meeting—

Mr. Garay.—My lord, my friend Mr. Wetherell has stated, that his object is, to have a particular fact, that the magistrates and police officers were in Spa-fields; that has been stated at least six times over, and any conversations between Mr. Stafford and the magistrates, I submit, cannot be evidence in this case.

Mr. Wetherell.—My answer to that is this, that the overt act charged in this indictment, and the matters connected with it, as to the procuring the meeting, are circumstances, which of course are materially connected with the publicity of the meeting; of course the publicity of the meeting is a question of fact, depending on other facts, whether magistrates and the public, and all other persons who had the right to prevent a meeting of the persons who attended, had or not notice and knowledge that such a meeting was to be held. I am not to disclose the use I shall by and by make of the fact, but the fact whether this was known as a proposed meeting, and what instructions and directions were given upon the subject, I submit is evidence.

Lord Ellenborough.—Can you have better proof than the three first words uttered by the witness, that there were placards on the walls announcing the meeting?

Mr. Wetherell.—That proves a part of the fact, but there are other facts; I am not obliged to disclose the arguments or deductions I shall in law or in argument infer from the fact. I want to prove the notoriety of the fact among the magistrates in London, a long time before the second of December, that such a meeting was to take place, and that preparations were made upon the subject, and directions given.

Lord Ellenborough.—You have that fact; the notice was given to every person who saw that placard, and could read it; and that preparations were made, you have from the attendance of all the police officers, from all the police offices, on that morning, who cannot be supposed to have all come by accident.

Mr. Justice Abbott.—That some hundreds and thousands of people were there also.

Mr. Wetherell.—You say you were struck in taking the flag; were you hurt?—No; one man aimed a blow at me, which I think was Hooper, but I am not certain; and I threatened him with the stick I had in my hand.

With that flag-staff?—Yes.

One banner and one flag were destroyed by you, or in your presence? the banner and one of the flags?—Not destroyed, taken.

Foreman of the Jury.—There is a question propounded by the jury to be asked Mr. Stafford. Why did you not seize the flag at the first meeting?—I did not consider that I had any authority at all to seize the flag at the first meeting. The first meeting was quiet, there was not that indication of riot that commenced at the second meeting.

I have one other question, why was it not seized then at the first meeting?—I have answered that; I conceived I had no authority to interfere, to seize, there was an immense meeting, but not that indication of tumult, the commencement of an insurrection, as I should describe it.

Mr. Wetherell.—As you should describe it?—Yes, there was then a sudden impulse which induced me to seize it, from the manner in which they were passing.

John Linbrick sworn.—Examined by Mr. Richardson.

I believe you are an officer belonging to the police office in Hatton Garden?—I am.

Were you in attendance in Spa-fields on the second of December?—I was.

Whereabout were you stationed?—At the Cobham's-head.

Is that near the end of Coppice-row?—Yes. When you came there did you observe a waggon?—I did.

Was the waggon in the field before you arrived?—It was.

Did you go into the field and approach the waggon?—I did.

Were there persons in it?—A great number.

In and upon the waggon?—In and upon the waggon.

Were there or not many other persons round the waggon?—A great quantity.

What do you mean by a great quantity, hundreds or thousands?—I should think from two to three thousand.

Were any persons in other parts of Spa-fields besides those who were round about the waggon?—There were.

Round Merlin's Cave?—There were.

Was there a considerable assemblage round there?—There was.

Did you hear any persons speaking from the waggon?—I cannot say that I did; I heard a person speaking; I did not hear the words that he expressed.

Perhaps you were not near enough to hear the words?—No, I was not.

Did you see the prisoner at the bar, Mr. Watson senior?—I did.

Where did you see him?—In the waggon.

Can you state whether he was speaking or not, while you were there?—I think he was speaking at the time that I was there.

Can you state whether he was speaking or not, although you did not hear the words?—I should rather suppose he was speaking, but I was not near enough to hear the words, and therefore I cannot say.

Was he either speaking, or near to the person who was speaking?—He was.

Lord *Ellenborough*.—Do you speak from the motion of his lips, or from what other circumstance?—He was moving his hands, as if he was speaking.

Mr. *Richardson*.—He was moving his hands in the way a person does when he is speaking?—Yes.

Did you see any flag or banner?—I saw a banner with a man in sailor's clothes holding it, and turning it right round to the mob in all directions.

Do you know that man's name?—I think his name was Cashman.

Was that the man who was tried at the Old Bailey?—Yes.

Did you attend his trial?—I did; he was turning it right round in this manner, in all directions, to shew it to the people.

Was it fixed at the end of a pole, so as to be elevated above the people?—Yes.

Was it by a slow motion that he turned it round?—Yes.

Exhibiting it to the people?—Yes.

Besides the banner, were there flags?—There was another tri-coloured flag, that was also held by a person dressed in sailor's clothes; that was a large flag.

Was there an inscription upon the banner?—There was, but I did not read it.

Did you see any other flag?—There was another tri-coloured flag, a smaller one.

Were both the flags tri-coloured flags?—They were.

Had both or either of them inscriptions upon them?—No, only one of the tri-coloured flags had an inscription, the other had not.

Do you know the person of Hooper?—Yes. You saw him afterwards at the Old Bailey?

—I did.

Can you state whether you saw him in Spa-fields at that time?—I did.

Where did you see him?—In the waggon.

Did you see any cockades?—He had a cockade in his hat.

Was that of one or more than one colour?—Three colours.

A tri-coloured cockade?—Yes.

Were you in the field at the time when the people left the waggon, or had you at that time returned to Coppice-row?—I had returned then to the Cobham's Head.

Before the people, whom you saw in the waggon, left the waggon?—Yes.

What was your attention next called to? to what was passing in the fields?—I was coming out of the Cobham's Head, I think, nearly about twelve o'clock.

How long was that after you had heard them in the waggon?—I suppose about an hour, or three quarters of an hour, I cannot speak exactly as to the time.

What called your attention there?—I heard a noise, and I looked towards the fields, and I saw the mob coming; and I saw Mr. Stafford trying, and that he had got hold of the pole of one of the flags, and was calling for help.

The mob were then coming towards Coppice-row?—Yes.

Did you go to Mr. Stafford's assistance?—Yes.

Tell us what was done?—Directly I ran up, took out my staff, and caught hold of the pole, and tried to pull it down; and then I ran to the banner, and we pulled that down.

You, assisted by another officer?—I assisted Mr. Stafford.

Was there a struggle in effecting that?—There was.

Did you succeed in getting possession of the banner?—We did.

Is that part of it in your hand?—Yes, we broke the frame, and tore off the canvass of it.

You said there was a struggle, did you receive any blows, or was any thing said?—There were words said, I could not see particularly whether there were any blows, I was not struck myself.

Did you hear any cry of the mob respecting yourself?—"Cut him; cut his bloody head," or some words like that.

Your attention was principally directed to the object you had in view, the getting possession of the banner?—It was.

Having got it down, you tore out the canvass?—I did.

Is that the canvass you tore out?—Yes, this is it.

[It was produced, and the inscription read as follows—"The brave Soldiers are our Brothers, treat them kindly."]

Lord *Ellenborough*.—It is calico, is it not?

Mr. *Gurney*.—Yes, my lord, it is.

Mr. *Richardson*.—Did you see in Coppice-row any of the persons, either Watson or Hooper, whom you had seen in Spa-fields?—I saw Hooper.

Where did you see him?—Coming back from the fields, he was in procession in front.

At the time you were struggling to get possession of the banner did you see him?—Yes.

Was he near to you?—Yes, he was very busy.

How do you mean busy?—Struggling to get it away from us, I suppose; the mob was very pressing upon us.

Which way did the mob go then?—They went in three directions; some went back, some went towards the House of Correction, towards Gray's-Inn-lane, and some went down Coppice-row.

That leads towards Smithfield?—Yes.

Which way did the principal body go?—Towards Smithfield.

Mr. *Stafford* and you had then got possession of the banner, and one of the flags, the smaller one without the inscription?—Yes.

Did you observe what became of the other flag?—That flag that had got the inscription on it was quite back in the mob, not in front.

Did you observe which way they went?—I think they went towards Smithfield, but I will not be sure, it was some distance from me.

Lord *Ellenborough*.—That flag was larger than the other, was it?—A great deal larger.

Mr. *Richardson*.—You say you think they went towards Smithfield, but you are not sure of that fact?—Yes, I think they went towards Smithfield; they were holding it up in the mob.

Do you know the person of Preston?—I do.

Did you see him during any part of that time?—I saw him in the waggon.

That was at the time when you were in the field?—Yes.

Was he near to the person who was speaking?—Yes.

Do you know the person of young Watson?—No; I was told it was him that was in the waggon.

Did you see a young man?—I did.

Did you see him take any part? Did he speak while you were there?—No.

John *Limbrick* cross-examined by Mr. Sergeant *Copley*.

Where was your station?—At the Cobham's Head.

How far was that from where the waggon was?—I suppose it might be about fifty yards.

How early in the morning did you take that situation?—About ten o'clock.

What time in the day were those speeches

made of which you have been speaking?—About eleven.

Who directed you to take that station at the Cobham's Head?—The magistrates.

Which magistrate?—Mr. *Raynsford*.

About an hour after you had taken that station you saw this waggon?—Yes.

Do you mean to say, it was about an hour after you were there that the waggon arrived, or that you first saw it there?—That was the first time I saw it, I cannot say when it arrived.

When you saw it, were there any banners upon it?—Yes, there were.

Then that was about eleven o'clock?—I think it was thereabouts.

A banner and two flags?—Yes.

How long after you had seen the waggon, and the banner and flags were produced, was it that you heard the persons speaking?—That was the time I went up.

They were then speaking?—Yes.

Mr. *Justice Abbott*.—He has not used the plural.

Mr. *Sergeant Copley*.—I thank your lordship: you heard the person speaking?—Yes.

You attended for some time to his speaking?—No, not long; I suppose, about a quarter of an hour.

Then you went away, and according to the evidence you have given, in about three quarters of an hour you saw those people come along Coppice-row?—Yes, about twelve o'clock.

About three quarters of an hour after you had been there, and heard this man speaking?—Yes.

Had you seen any magistrate in the mean time?—No.

Did you go in quest of any magistrate?—No.

You knew there were magistrates upon the spot?—Yes, I did.

Then, although you heard a man speaking, and using the gestures you have described, you never went to make any representation to a magistrate, though there were magistrates upon the spot?—No, I did not.

Those persons afterwards came in great numbers, with a banner and the two flags?—Yes.

And Mr. *Stafford* attacked them?—Yes.

Had you any body else to attack them, but Mr. *Stafford* and yourself?—I am sure I cannot say.

Did you see any body attacking them but Mr. *Stafford* and yourself?—I cannot say, indeed; there were a good many there, but my object was attained by securing the flag and the banner.

You succeeded in getting possession of those flags from this great mob?—Yes.

Mr. *Justice Abbott*.—They did not get possession of the great flag from the mob.

Mr. *Sergeant Copley*.—You succeeded in getting possession of the banner and breaking it, and tearing the tri-coloured flag?—Yes.

If there had been half a dozen persons of your spirit, you would have dispersed the

whole of this mob?—I would not go back, seeing Mr. Stafford in such danger, to get my brother officers, but assisted him.

You and Mr. Stafford alone attacked this mob, and got possession of those flags?—Yes.

If there had been half a dozen of your spirit, you would have put the whole of them to the rout?

Mr. Justice Abbott.—You are putting it to him as if he had said something very different from what he has said; you put it to him as if he had said, that he and Mr. Stafford alone attacked the mob. What he has said is, that he saw Mr. Stafford in danger, and went to assist him, and that afterwards he and Mr. Stafford got this banner and the small flag.

Mr. Sergeant Copley.—You and Mr. Stafford alone were engaged with the mob, were not you?—I cannot say; I saw Mr. Stafford in danger, and went to assist him.

Did you see any body helping Mr. Stafford?—I did not.

Then seeing him alone you went to assist him?—I saw no one assisting Mr. Stafford at the time when I ran up.

Did you afterwards, during the time you were there, see any body assisting Mr. Stafford except yourself?—I cannot say that I did.

So that you and Mr. Stafford alone were engaged in this struggle, and succeeded in getting possession of these two flags?—Yes, I believe so.

Did you see any body else?

Lord Ellenborough.—He has said half an hour ago, that he saw no one but Mr. Stafford.

Mr. Sergeant Copley.—At the first time, and before you yourself were engaged in the contest, you saw Mr. Stafford?—Yes, I did.

Your attention was drawn to his situation?—It was.

Did you see any person at that time assisting Mr. Stafford?—I did not.

Do you believe that there was any person assisting him?—I cannot say indeed.

Do you believe, from the attention you paid, that if there had been any person assisting him, you should have seen it?—I think I should.

Then I ask you, if there had been half a dozen men as resolute as yourself, whether you do not think—

Mr. Attorney General.—My lord, I must object to such a question, whether he thinks if there had been half a dozen others, such and such consequences would have ensued.

Mr. Sergeant Copley.—I will leave it to the jury then.—You have been examined before, I believe?—Yes.

When were you first examined by any body as to the transactions of this day?—I am sure I cannot say the date exactly.

Tell us as nearly as you can recollect; were you examined before Christmas? were you examined recently after the event took place?—I was.

How soon afterwards?—A few days.

Within a week?—More than a week or a fortnight.

By whom or before whom?—It was before the solicitor.

What solicitor?—Mr. Litchfield.

Were you afterwards examined at the Old Bailey, when Hooper was upon his trial?—I was.

Did you swear upon that occasion what you have now sworn?—Yes.

Against Hooper?—Yes.

Were you examined before the grand jury upon that occasion?—Yes, I was.

Have you been examined before any other grand jury?—Yes.

What grand jury is that?—The Westminster jury.

Have you been examined before a third grand jury?—No, only two.

Did you produce upon the trial at the Old Bailey the flag?—Yes.

That flag which has been produced here to day?—Yes.

Upon the trial of Hooper?—Yes.

Mr. Justice Abbott.—The flag or the banner?—The banner.

Was the flag also produced upon the trial at the Old Bailey, the one with the inscription?

—I am sure I do not know.

Try to recollect yourself?—I cannot, for we were examined separately.

Then it was not produced in your presence, to your recollection?—No, it was not.

Was Mr. Hobler examined in your presence?—No.

Did you happen on the morning of the 2nd of December to be at Whitehall, before you took your station at Coppice-Row?—No, I was not.

John Limbrick, re-examined by Mr. Richardson.

Perhaps you can tell us whether Spa-fields is in the county of Middlesex?—It is.

A Jurymen.—How near were you to the waggon at the time you supposed Watson, senior, to be speaking?—I cannot say; further off than those gentlemen at the other end of the Court.

How many yards might it be?—I suppose pretty nearly eighteen yards.

Was the noise so great you could not hear him?—I was not paying particular attention to what he was saying, the noise was very great.

I understand you to say, you did not know him to be speaking, except by the motion of his hand?—I did not; I saw him move his hand in that manner [moving his hand forward].

The noise was so great you could not hear him?—The noise was so great I could not hear him.

Mr. Justice Abbott.—Had he his back or his face to you?—His face.

You do not suppose the distance to have

been more than eighteen yards?—I cannot say; it might be thereabouts, I should think.

Edward Goodspeed sworn.—Examined by *Mr. Shepherd*.

Were you in Spa-fields on the 2nd of December?—Yes, I was.

About what time did you get there?—About eleven o'clock.

Were there a great number of people there?—There were.

Did you see a waggon there?—I did.

With flags upon it?—Yes.

Did you know any of the persons that were in it?—I saw *Mr. Preston*, and *Hooper*, and *Watson*, the elder.

Was there any body else whom you knew?—Nobody else that I knew.

Were you afterwards at Coppice-row?—I was.

State what you saw take place there?—I saw *Hooper* come out of Spa-fields with a tri-coloured cockade in his hat, then I came to the corner of the *Cobham's Head*.

Were there any people following *Hooper* with the tri-coloured cockade in his hat?—They all came out of the waggon, they all came out of the field together.

Did you observe what *Hooper* did?—When they all came out of the field together, there were some colours taken away by a gentleman belonging to Bow-street, *Mr. Stafford*.

Lord Ellenborough.—Colours seized, did you say?—Yes, seized and taken away from them.

Mr. Shepherd.—At the time the colours were taken away, did you see *Hooper*?—Yes, he was very near to the colours.

Did you see him do any thing?—No, I did not.

Did you see *Limbrick* there?—Yes.

Did you see any body do any thing with respect to *Limbrick*?—No, *Limbrick* was knocked down by somebody, but I could not tell by whom.

Edward Goodspeed cross-examined by *Mr. Wetherell*.

You went to this place from curiosity I suppose?—No, I was parish constable serving in my own right for the parish of St. Andrew, Holborn.

You attended there in your character of parish constable?—Yes.

By whose orders did you attend?—By order of the sheriffs of Middlesex.

You had your orders from the sheriffs of Middlesex?—I had my order from the high constable.

Who is the constable?—*Mr. Smart*.

Were you sworn in an extra constable?—No, neither then nor ever in my life.

How many constables attended?—I can only speak to those who attended from our division, there were four from our division.

What the whole number belonging to your division?—There were seven altogether.

Does your division consist of seven or how many?—Of seven.

You all attended by order of the sheriff?—Yes.

Lord Ellenborough.—I thought he said four.

Mr. Wetherell.—Why did not the other three attend?—They might be there for aught I know, but I did not see them.

To your knowledge had they all orders to attend?

Mr. Justice Bayley.—Do you know of your own knowledge that they had orders?—Yes, we had a regular precept sent, and it was backed; and we took it to one another, and we all had orders to attend.

Mr. Wetherell.—How early were your orders to attend?—About ten o'clock.

How early had this order been issued to you?—On the Saturday, I think, for Monday.

In what part of the field was your station directed?—At no particular part.

Were you ordered to attend at Spa-fields generally?—We were ordered to go to the House of Correction.

Did you attend there?—Yes, most of the constables were ordered to assemble there.

Did you go within side of the House of Correction, into any room or place there?—No.

You merely stood without side the door?—Yes, the names were called over.

Who called the names over?—I cannot say.

Can you tell me his name?—No, I cannot.

Was it the high constable, or what was the officer who attended?—I never heard what he was called, he was a stranger to me.

How many constables' names in your division were called over, was it a general call of all the constables, or only of your division?—There was a general call; it was impossible to say what they were, there were a great many of different parishes called over.

Were they called over alphabetically?

Mr. Gurney.—Really, my lord, I must object to these questions being asked; what the name of the person was who called them over, or whether they were called over alphabetically, can have no other effect, but that which I am sure is not the object, that of wasting time.

Mr. Wetherell.—That is not quite the professional mode of uttering an objection. I will not be told by any counsel whatever, no, not even by the attorney-general, that I occupy the time of the Court unnecessarily—the Court may tell me so if they are of that opinion; my object was, to show, that the magistracy of London knew of this meeting, and of the object of the meeting.

Lord Ellenborough.—They appear to have been put into possession of that by the placards.

Mr. Wetherell.—But the magnitude and the danger of the riot mainly depend upon the

question, what force was ordered to attend at the place, what danger there was to be apprehended. We have heard of only two officers taking a part in the suppression of the riot.

Lord *Ellenborough*.—I think we need not trouble you at present for your argument, hardly any thing would induce me to stop you in any question which you consider as important to your client.

Mr. *Wetherell*.—My lord, I do feel this most important, and I pledge myself, that I shall ground propositions in law and fact to the jury, most important, on the fact, that this was known to all the magistrates of London, and that measures were taken; in consequence of having said that, I trust your lordships will permit me to use my own discretion.

Mr. Justice *Abbott*.—The last question was, whether the names were called over alphabetically?

Mr. *Wetherell*.—Were the names of the constables of any other parishes in the city of London, or within the Bills of Mortality, called over, besides those of the parish of Saint Andrew?—Yes, they were, but not that they were all called over in my hearing.

What number were called over?—The upper and lower liberty of Saint Andrew, Holborn, were called in my hearing, then I had nothing more to do with it, I heard my name, and answered to it.

How many constables were, in point of fact, attending round Spa-fields, and the House of Correction, when your name was called over?—Upon my word it is impossible for me to tell how many were round there.

Did you go within side the House of Correction?—I do not know whether I did or did not.

Was there a room for you there?—No, no room.

When you had been called, were you appointed to take any particular station, or did you follow your own discretion in going where you thought best?—We were appointed no place in particular, only to be on the spot.

I think you say that Mr. Stafford took away the flag?—Yes.

Were you near enough to see what passed?—There came out of the field a great concourse of people at the same time, and out of the waggon, and came with a flag, and a square flag about the soldiers and using them kindly, that was taken away by Mr. Stafford.

Did you see in Spa-fields an assembly of any of the constables, ten together, or any particular number?—No.

You have stated, that Mr. Limbrick was knocked down, are you certain of that; Mr. Limbrick has not stated that?—Mr. Limbrick was knocked down when they came out of the fields together, but by whom I cannot state.

Do you mean to say that Mr. Limbrick was hurt?—No, I cannot say that, I saw him on the ground.

Was he knocked down by the rush of the mob, or a blow?—In my opinion he must have been shoved down.

You did not see any one knock him down with a blow?—No, I did not.

You conceive he must have fallen down from the pressure of the mob?—There was such a concourse of people, I think it was so.

In point of fact, you did not see any one level a blow at him?—No.

Were you near enough to see whether he gave any assistance to Mr. Stafford?—He went in to assist Mr. Stafford.

After those flags had been taken by Mr. Stafford, which way did you go?—I went back again to the House of Correction, for to see if the high constable was there.

Had you any further directions given to you?—No, I had none.

Was the high constable there when you went?—I do not know whether he was there exactly at the time that I went back, but I saw him very shortly afterwards.

Had you any directions given you by him at that time?—I do not recollect that I had.

Did you apply to him for directions?—I cannot say whether I did.

Endeavour to recollect?—I recollect that I was ordered to wait.

Where were you to wait?—To wait at the prison door.

In point of fact, how long did you wait at the prison door?—It might be, that I waited till three or four in the afternoon.

Were any rioters brought in at the prison door while you waited?—I saw none.

Should you have seen them if they were brought in?—I was on the spot, I might have seen them.

But you did not see any brought in?—I did not see any.

Edward Goodspeed re-examined by
Mr. *Shepherd*.

After this mob had passed down Coppice-row, and had gone away, were there any people waiting in Spa-fields?—There were people waiting in Spa-fields.

How many?—I cannot say.

About how many?—There was a great quantity remaining round Merlin's Cave.

How long did they remain there?—As nearly as I can recollect they remained there till about six or seven o'clock in the evening; there was a meeting held there.

The meeting was held there?—Yes, it was.

John Huggins sworn.

Mr. Sergeant *Copley*.—Your name is John Huggins?—It is.

What business do you follow?—A tide-waiter in his majesty's Customs.

Are you now a tide-waiter?—Yes.

How long is it since you have been employed in that situation?—I look upon it nearly a twelvemonth since I was on duty.

Have you any appointment as a tide-waiter?—Yes, I have.

[The witness produced it, and it was inspected by Mr. Sergeant Copley.]

Mr. Sergeant Copley.—I am satisfied, my lord, as to the description.

Examined by Mr. Attorney General.

Were you in Spa-fields on Monday, the 2nd of December last?—I was.

About what time did you go there?—About twelve o'clock.

When you went there did you see any waggon?—I saw a waggon in the fields.

Did you see any persons in it?—I saw Preston.

Were there any other persons? whether you knew them is another question, but were there any other persons in the waggon beside him?—I cannot recollect.

I do not ask you whether you knew the other persons, but whether there were other persons in the waggon?—A great quantity.

Did you see whether there were any flags or banner?—I saw one.

Was that a flag or a banner?—I think a flag.

How far were you from the waggon?—I was against the turnpike-gate at the time.

How far is that from where the waggon was?—I suppose it was about twenty yards from the gate.

You were about twenty yards from the waggon?—Yes.

Did you observe the persons getting out from the waggon?—I saw several get out of the waggon.

Which way did the persons who got out of the waggon go?—Towards Coppice-row.

Were they followed by any number of persons?—A great quantity.

Do you know Mr. Stafford?—I do.

Did you see Mr. Stafford?—I did.

What was he doing when you saw him?—I saw Mr. Stafford in the mob, and I heard him call out for assistance.

Did you see what he was doing at the time he was calling out for assistance?—I saw him taking hold of a flag.

What do you mean by having hold of a flag, holding it quietly, or struggling for it?—Struggling for it.

Did you observe whether any persons who were in the waggon, or who were in the crowd, while Mr. Stafford was struggling with them, had cockades?—I saw Mr. Hooper had a tri-coloured cockade in his hat.

Was that amongst the crowd?—That was amongst the crowd.

Was he near Mr. Stafford?—He was.

Did you observe whether he was doing any thing?—He was struggling along with a man that Limbrick had at the time.

Lord Ellenborough.—Do you mean, a man that Limbrick held at the time?—Yes.

Mr. Attorney General.—Did you see Mr. Limbrick come to Mr. Stafford?—Yes.

Was there any struggling after that?—Yes; Limbrick had got hold of a man whom Mr. Hooper and others rescued away from him.

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What sort of a thing was that banner? did you see it before there was that struggling for it?—No; I do not recollect that I did.

The first time you saw it, was while there was a struggle for it?—Yes.

What sort of a thing was it?—It had the inscription, "The Soldiers are our Brothers."

What colour was it?—The banner was white calico, it appeared to me.

What was there upon it?—It had the inscription, "The Soldiers are our Brothers, treat them kindly."

You say Limbrick was struggling with somebody for this banner?—Yes, he was.

Do you know who the persons were that he was struggling with?—No, I do not.

Was either of the persons who are here, with those who were struggling?—Hooper was.

Did you see whether any of them made any effort against Limbrick, or what they did?—Limbrick was knocked down, or nearly, at the time.

What do you mean by knocked down?—He was shoved down by the mob.

Do you mean that he was knocked down by a blow, or that he was down in the struggling?—That I cannot say at that time.

Do you know whether he succeeded at last in taking the banner?—He did.

What became of Hooper and of the other persons whom you saw with this banner, and struggling for it with Limbrick, after they had got the banner?—I saw Hooper go, with a great many others, along Coppice-row.

Can you form any judgment of the number of persons that went that way?—No, I cannot.

About what number?—I look upon it nearly an hundred.

Did you go after them, or did you remain in Spa-fields?—I remained at the Cobham's Head, at the corner.

That is in Coppice-row?—It is.

Do you know whether there was a large assemblage of persons left behind in Spa-fields, after Hooper and those persons who were struggling for the flag left it?—Yes, there were a great many.

How many persons do you suppose there were assembled in Spa-fields at that time, speaking within compass?—Four or five hundred, I dare say there were.

How long did you remain there?—I remained there till the magistrates went away.

How long was that?—I suppose about an hour after that.

Were you in Spa-fields at any other part of the day after that?—No, I was not.

Did you follow those persons who went down Coppice-row?—No.

Not at any time did you?—No, not at any time.

John Huggins cross-examined by Mr. Sergeant Copley.

You tell us you are a tide-waiter in his majesty's Customs?—Yes.

L

Have you a fixed salary, or are you paid according to your services?—I am paid when I am on duty.

You have not been on duty for this twelve-month?—No, I have not.

How came you in Spa-fields at this time?—I was sworn in an extra constable at Hatton Garden.

How often have you been on duty within these five years?—I cannot say.

Have you been ten times?—O yes, I have.

You were sworn in a special constable this day?—Yes, I was.

You perceived these people, as they proceeded down Coppice-row?—Yes, I was stationed at the Cobham's Head.

That is in Coppice-row, is it not?—Yes.

You were attentively observing them?—Yes.

And you tell us there were about a hundred?—Yes.

That was after the contest about the flags between Stafford and Limbrick and the people?—Yes it was.

You suppose there were about one hundred?

—Yes, I suppose there were thereabouts.

Mr. Justice *Bayley*.—You say there were about a hundred went down Coppice-row, how many at that time were left in the field?—I look upon it four or five hundred.

How many do you suppose there were collected together in the fields, at any one time in the course of the day?—It would be impossible to say that. I suppose six or seven hundred.

A *Jurymen*.—You mentioned about the time that the magistrates went away, what magistrates do you mean, and where were they?—At the Merlin's Cave, they were in a room just by to Merlin's Cave.

Whereabouts?—By the side of the Merlin's Cave.

Was it a house?—Yes.

A room in a house, or where?—In a house.

Say how many doors?—About three doors.

A private house?—Yes.

Do you know who they were?—We were along with Mr. Sellon.

Who else?—There was sir Nathaniel Conant there I believe.

Did you see him there?—I only saw Mr. Raynsford.

That is another then?—Yes.

Do you mean to say there were three or more?—There were more, but I only took notice of those.

Another *Jurymen*.—At what time of the day were they there?—They were there about twelve o'clock, twelve or one o'clock.

Did Mr. Stafford see them there?—Yes.

Did you see Mr. Stafford about that neighbourhood?—Yes, I did afterwards.

Mr. Justice *Bayley*.—Did you see Mr. Stafford in their presence?—No, I do not recollect that I did.

Whether Mr. Stafford saw them or not is conjecture on your part?—Entirely so.

Moss Moses sworn.—Examined by
Mr. *Solicitor General*.

Were you at Coppice-row on the 2nd of December last?—Yes.

Were you near Mr. Stafford at the time he took possession of the flag?—No, I was not.

You have a flag here, have you not?—Yes.

Where did you get it?—At Coppice-row.

From whom?—From a person dressed in a sailor's dress.

How did you get possession of it?—By request of another officer, who was having a piece of work with the mob.

Was he struggling with the mob?—Yes.

How did you get it, did you seize it, or how?—I seized it.

What officer was it that was struggling?—I believe it was a person of the name of Mr. Limbrick.

Who was Limbrick struggling with at that time?—I do not know.

Was it the person who had the flag or some other?—Some other.

Did you go to his assistance?—I did.

And you got possession of the flag?—Yes.

And that which you produce is the flag which you then seized?—Yes, it is.

[The witness produced it.]

Mr. *Wetherell*.—Will you ask him whether he has had it in his possession ever since?

Mr. *Solicitor General*.—Have you had it in your possession ever since?—No, I have not.

Where has it been?—At the prison near Spa-fields.

Did you deposit it there?—I did.

Are you certain that is the flag?—Yes, I am quite certain of it.

Moss Moses cross-examined by Mr. *Wetherell*.

Are you perfectly certain this is the flag you took?—Yes.

You have had it in your possession ever since?—No, I took it to the House of Correction.

When you took it, what did you do with it?—I put it in the prison.

How long was it out of your possession?—Two months, I suppose, till such time as I received an order to attend at the Sessions-house.

Look at this flag again; will you positively swear that that was the identical flag that you took in Spa-fields? now look at it?—To the best of my belief it is, it is impossible, as I did not mark it, to identify it.

You put no mark upon it?—No, I should not like to swear it to be the identical flag, but I believe it to be.

Have you ever sworn that it was the identical flag?—No.

Were you subpoenaed at Cashman's trial, at the Old Bailey?—I was.

Did you there swear that it was the identical flag?—I was not called.

Have you been examined at any other place respecting that flag?—I was examined some time ago before the grand jury.

What grand jury?—Near this hall.

Do you mean at Clerkenwell, or here?—Here.

Were you examined at Clerkenwell?—I was not.

You will not undertake to swear that it is the flag?—No, I will not; but I believe it is the same.

Is not that flag a good deal dirtier than the flag you took?—It was cleaner when I first took it.

Was not the flag you took a great deal fresher than this flag?—No; I do not think it was; it was newer at the time I took it.

This is not a new flag; if it has been kept for two months not used, there is nothing to make it dirty?—They had it in the hemp-warehouse when I went for it the second time.

You found it in the hemp-warehouse?—Yes.

Is that the place where the prisoners work?—I do not know, but an order was given to go up in the hemp-warehouse, and fetch it out.

Having been out of your possession for two months?—I dare say it was.

Be so good as to hold it up a little: this does not appear to be the sort of flag that was hung out; it is not in the form of Mr. Stafford's drawing: Mr. Stafford's drawings represent a flag of a very different description from that; Mr. Stafford's drawings are angular: is it a square flag? or what? it is certainly unlike the flags that we have had a fac simile of.

Mr. Justice Abbott.—It is very like the small flag.

Lord Ellenborough.—Is that, from all the particulars you can recollect, the flag you saw?—Yes.

Mr. Wetherell.—It is not identified as the flag yet.

Lord Ellenborough.—The identity of the flag is not material.—If a flag of the same appearance was exhibited, that is sufficient. On looking at this flag you do not perceive any dissimilitude between it and the one which you saw?—No.

Then from the appearance do you believe that to be the same?—I do.

Mr. John Stafford called again.—Examined by Mr. Attorney General.

In the struggle you had for the flag, was the flag torn?—It was.

Did the piece that was torn off in the struggle remain in your possession?—It did.

Have you got it?—Here it is.

Have the goodness to apply it to that flag, and see whether it fits to the place from which it was torn?—I tried it before, in the House of Correction, and found it fitted; that is the piece. [Fitting it in.]

Lord Ellenborough.—That does correspond, does it? the identity is not material; but if it is wished to follow this higher, we will do it.

Mr. Wetherell.—I do not wish to pursue it further, my lord.

Thomas Graves sworn.—Examined by Mr. Solicitor General.

I believe you lived in December last, and probably do now, in Cow-cross?—Yes.

Is that in the way from Coppice-row to Smithfield?—Yes.

On the 2nd of December last did you see a great mob of persons passing your door?—Yes.

In what direction were they going?—Towards Smithfield.

Had they any flag with them?—Yes.

What sort of a flag?—I did not take particular notice of the flag; I saw it before they came up to my door.

Was it a flag of different colours, or of one colour?—It seemed to be of different colours.

What were the mob doing when they passed your house?—They were not doing any mischief.

Were they making any noise?—Yes, there was some noise.

Was it a large mob?—Yes, it was.

How many persons do you think passed your door?—I suppose about six or seven hundred.

Do you know Preston?—Yes.

Did you see him there?—Yes.

You had known him before, I believe?—Yes.

For some time?—Yes.

Did he, in passing your door, speak to you?—Yes.

What did he say to you?—As he came by, he told me to take in the things, for there would be dreadful work, or bloody work, I do not know which it was.

What became of Preston after that, did he go on with the mob?—Yes, I never saw him afterwards.

Did you see him go on with the mob?—Yes.

He is lame, I believe, is he not?—Yes, he is.

How long were the mob passing your door, do you think?—I suppose ten minutes.

How were they going, fast or slow?—The first part of them were going very quick.

Then they went on, you say, towards Smithfield?—Yes.

Thomas Graves cross-examined by Mr. Wetherell.

Did I understand you to say you did not quite recollect the words that were used to you?—No, I was too much flurried, I had got a great many things out of doors.

What things were they?—Household goods.

What are you a dealer in?—A broker.

Your things stood without side your house?—Yes.

You are a broker of furniture?—Yes.
Had you a good deal of furniture things standing out of your house on that day?—Yes.
Tables, and things of that sort, for sale?—Yes.

When you saw the mob go by, you were flurried?—Yes.

You had known Preston for some time?—Yes.

He is a shoemaker, is he not?—Yes.

Or a cobbler, which do you call him?—I understand a cobbler.

You had known him before?—Yes.

As he came by, did he say any thing about taking in your things?—He told me to take them in, and I was much obliged to him for it.

What were the precise words he used after that?—I am not quite sure whether he said there would be dreadful work, or bloody work.

Was this bloody work to be done to your chairs and tables?—No, I did not so consider it.

Did not he give this intimation as it respected your furniture?—Yes.

Did you conceive—

Mr. Attorney General.—His impression is not evidence.

Mr. Wetherell.—I conceive his impression upon the words is evidence?

Mr. Justice Abbott.—I think not.

Mr. Wetherell.—You are not quite sure as to the words?—No, I am not.

Mr. Solicitor General.—But you are quite sure it was either dreadful or bloody?—Yes, quite sure.

Edward Hone sworn.—Examined by
Mr. Topping.

Were you in the service of Mr. Beckwith on the second of December last?—Yes, I was.

What is Mr. Beckwith's name?—William Andrews.

What business does Mr. Beckwith follow?—A gun maker.

Where does he live?—58, Skinner-street, Snow-hill.

He has a shop there where he carries on his business?—Yes.

Were you there on the second of December last?—I was.

Did any thing happen to your shop in the course of that morning?—About twenty minutes after twelve a gentleman of the name of Mr. Platt came into the shop.

He came there upon some business?—Yes, he did.

Did any number of people come to the shop soon after Mr. Platt had come in?—Mr. Platt was just finishing the business, and was in the act of going away.

What happened then?—A person rushed in to the shop with a pistol in his hand.

Was there any number of people collected about the shop at that time?—None that I saw at that time.

Describe the person who came into the shop with a pistol in his hand?—He was a person of a short stature, about five feet four or five inches high, thin visage, and rather prominent features.

Young or old?—A young man, he appeared to be about two or three and twenty.

Upon his coming into the shop with a pistol in his hand, did he say any thing?—He demanded arms; he brought up a pistol in his hand, in this way, [describing it.] and said, "Arms! arms!" twice.

Did Mr. Platt say any thing to him?—He turned round and entered the shop, I do not know whether it was by way of warding the pistol off, but he put his hands up in this way, [describing it] one on each shoulder.

On each of the shoulders of the young man that had entered the shop?—Yes.

Did he make use of any words?—He made use of some words, I think they were, but I am not positive to them, "my good fellow, consider what you are about."

What was done then?—Immediately after that, the pistol was placed against his right hip, and before the words hardly had escaped his lips, the pistol was fired, immediately after Mr. Platt had mentioned some word to him.

Had you an opportunity of seeing whether Mr. Platt was struck with the pistol?—I saw that the lappel of his coat was torn in a zig-zag manner, so that I could put in my hand.

Mr. Justice Abbott.—The lappel at his breast?—No, at the bottom of the lappel, immediately Mr. Platt clapped his hand to his belly, and said, "I am wounded, fetch me a surgeon, for God's sake fetch me a surgeon."

Mr. Topping.—Was any thing said by the young man who came into the shop upon that?—Mr. Platt says, "Do not let him go, do not let him go." "No, says I, sir, he shall not go." He says, "You fetch me a surgeon, I am wounded;" again he mentioned that. The person who wounded him, chucked down the pistol that he wounded him with on our apprentice's bench, the bench that our apprentice works at, and says, "I am a surgeon, I will examine it." Mr. Platt says, "No, no, no, fetch me a surgeon, fetch me a surgeon." Several neighbours came in at the time, and amongst other persons, an officer, one of the Saint Sepulchre officers, a man of the name of Worrall, a constable of Saint Sepulchre's.

What was done then?—He took the young man in charge, there were a great crowd then gathered round the door.

At the time the neighbours and Worrall came in, numbers had collected about the shop?—Yes.

How many do you suppose had collected round?—Better than a hundred.

Mr. Justice Abbott.—Did they come into the shop?—No, they got round the shop windows, I then delivered my charge to the officer.

Mr. Tipping.—Into Worrall's custody?—Yes, and I then went out to keep the people off the windows; I feared the pressure of the people would break the windows, and I said, "what do you want, my good folks, go about your business, there is nothing the matter;" and I got them pretty well away from the windows.

What happened then?—I had got into the shop again, and I saw a mob go past the door with a stand of colours before it.

How many do you suppose there might be collected in that mob?—I look upon it there were between three and four hundred, as nearly as I could conjecture.

They had a flag?—Yes, a tri-coloured flag.

What happened then?—They went past the shop and returned again, some of them cried out, "this is the shop, this is the shop."

That was the cry from the mob?—Yes.

Having passed it, they returned back?—Yes; they went towards Snow-hill.

How soon do you suppose they might return?—I should think five minutes or more might elapse.

What occurred then?—I went out to the door and spoke to them; I went out to the door, and said, "my good fellows what do you want, what do you want, do not hurt Mr. Beckwith."

Did you receive any, and what answer from the mob?—I said, "he is a good fellow, he wishes well to your cause, why should you hurt him?" At the same time there came a brewer's servant, and stood with a broomstick ready to break the windows.

A person in the dress of a brewer's servant?—Yes.

He stood in an attitude, as if ready to break the windows?—Yes, and I begged of him not.

What was done?—After that, I told them that the young man had made his escape, that he was gone; I said, "do not hurt Mr. Beckwith, he is gone."

Was any inquiry made for the young man?—"We will have him out," was the cry of the mob.

And in answer to that you told them he was gone, that he had made his escape?—Yes.

What happened then?—Some of the mob cried out, "Tower-hill."

Had any thing happened to your shop windows at that time?—Not the least.

On your having said he had made his escape, the cry from some of the mob was "Tower-hill"?—Yes.

The cry then being "Tower-hill," did they proceed to Tower-hill?—I put up both my hands and said, "Tower-hill my boys," making a sign for them to go on.

You put up your hands and said, "Tower-hill, my boys," wishing to get them away from Mr. Beckwith's premises?—I did, but they did not seem satisfied; then they said, "we will have him out."

They repeated the cry, "we will have him out?"—Yes; I then gave them my word that he had made his escape down Sea-coal-lane; that he was gone.

Sea-coal-lane is near?—Right opposite our shop.

Did that satisfy the mob?—It satisfied them so far, till the young man made his appearance at the three pair of stairs window.

After you had given him in charge to Worrall the officer, you did not see where he went?—No, I saw no more of him for that time.

You having told them he had made his escape, he afterwards appeared at the window of the room up stairs?—Yes.

What happened then?—The mob then began to get very infuriated.

What did they proceed to do?—They called out, "there he is, there he is, we will have him out!"

What happened then?—They broke the windows in all parts, and rushed in at the shop door, and they pulled the guns out and battered the frames and all to pieces with the butt ends of the guns.

Your shop had guns in it for sale?—Yes.

And with the butt ends they demolished the frames?—Yes, the greater part of them.

Did they take away the guns?—They took every thing out of the window entirely.

Had you a considerable quantity of arms in the window?—A very great quantity indeed, both of guns and of pistols.

Did I understand you to say that the shop was cleared?—It was literally cleared.

What became of the young man?—When they rushed into the shop in that manner, and I had been telling them falsely, I found myself very much alarmed, I thought directly that as they had found me out in that, that I should get knocked down, and I got away to the further part of the east window.

What did you see happen there?—I saw them bring the guns out, there were two or three brought them out ten or a dozen at a time from the counting-house on their shoulders, we had a great many ready for exportation at that time in the counting-house.

Some of them carried away ten or a dozen at a time on their shoulders?—Yes, they carried them out, and distributing them to the people at the door cried, "here are arms, my boys."

How was that received by the mob?—They took them, and some went one way, and some another; and powder and shot they took out of the shop, and loaded them at the door, and poured the powder in indiscriminately, and shot likewise, and loaded some of them up to the muzzle.

How long might they continue?—That I cannot tell, I was very much confused; I was so far confused, that if I had not gone and got a drop of spirits, I should have dropped; on my return I saw the young man come down with a pistol in each hand, I saw him come out of the shop with a pistol in each hand.

Was there a mob about the door at that time?—It had cleared away greatly.

But still there were some left?—Yes.

What became of him when he went out of the shop with a pistol in each hand?—That I cannot say, he went and joined the people.

And then they went away?—Yes.

Which way did they proceed?—Up towards Newgate-street.

You saw no more of them?—No, I saw no more of them.

Edward Hone cross-examined by Mr. Sergeant Copley.

You are Mr. Beckwith's foreman?—I am.

Were you examined at the Old Bailey, when Hooper and Cashman were tried?—I was not.

How happened that?—I cannot say.

Did you attend for the purpose?—I did.

Who were in the shop besides yourself, when young Watson came in, when this young man came in?—John Roberts, Mr. Beckwith's apprentice.

What was your attention engaged about at the time they came in?—Talking to Mr. Platt.

This young man had a pistol in his hand you say?—Yes.

Before the pistol was discharged, was Mr. Platt facing him?—He turned round and faced him.

He put his hands suddenly upon his shoulders?

Mr. Topping.—Your question assumes that he said so.

Mr. Sergeant Copley.—I know what he said, he put his hands suddenly upon his shoulders.

Lord Ellenborough.—Your question assumes that he said so, I thought you would weigh the question on the objection.

Mr. Sergeant Copley.—Did he not put his hands upon his shoulders?—Yes he did.

And that moment the pistol went off?—Mr. Platt began to speak first, and then the pistol was fired.

Before the pistol went off, Mr. Platt's hands were put suddenly on the shoulders of this young man?—They were so.

What time might there be between his hands being put suddenly upon the shoulders of this young man, and of the firing?—About a second.

The moment that he fired, the young man expressed his contrition, did he not?—The young man said, "go and fetch a surgeon," there was some time elapsed, and then after that some time had elapsed, he said, "I am a surgeon, I will examine it."

Was not that with an appearance of great regret?—Most certainly there appeared to be great contrition, he bit his lips, and appeared very sorrowful for what had been done.

You say, when he first came up he came up alone?—There were three or four men following him.

Did he shut the door when he came into the shop?—No, they were following him; and when the pistol was fired, they immediately decamped. I shut the door myself.

Afterwards a great assemblage of persons passed the shop?—Yes, they went past the shop towards Snow-hill.

And then came back?—Yes, some of them cried out, "this is the shop," and they came back again.

When they came back again, they were all ranged in front of the shop?—They were.

All the guns were exposed in the window?—Yes, just as they are for sale in a gunmaker's shop.

Nobody made an attempt to touch the guns?—Not at that time.

Though those guns were exposed in great numbers in the windows, nobody attempted to touch one of them?—No, they did not at that time.

Are you quite sure, that "to the Tower" did not first enter your mind, and that you did not use those words before they did?—Upon my oath I did not.

I do not blame you for it, but you adopted it?—I did; I thought it best to get them away from our shop.

Then they made a movement to go off?—No, they did not; they did not seem satisfied.

Still they did not attempt to take the guns?—They did not.

The cry was release this young man?—"We will have him out."

This parley continued for a considerable time, I believe?—For a few minutes.

And three or four hundred persons were assembled there?—Yes.

The shop being perfectly untouched, and the arms being untouched?—Yes.

At last, you say, some persons observed this young man at the window up stairs?—Yes.

And that moment the attack was begun?—Yes.

How many minutes had elapsed between the time of their first coming, and the time they attacked the shop?—I cannot say.

Might it be about five minutes?—It might be, I cannot say.

For about five minutes they never attempted to attack the shop, and they never did this till they discovered the young man above stairs?—No, they did not.

You never saw this man before?—No, I never did.

You have never seen him since?—I never have.

Edward Hone re-examined by Mr. Topping.

You said that the pistol, which the young man brought in with him, was thrown upon the bench, where the apprentice worked in the shop?—Yes, it was.

Did you see what became of it afterwards?—I gave it into the young man's hand, and told him to take care of it.

Mr. Justice *Abbott*.—By the young man do you mean the apprentice?—Yes.

Mr. *Gurney*.—Is not that Roberts?—Yes, it is.

Mr. Sergeant *Copley*.—Will your lordship allow me to ask the question—When did you take that pistol up?—In a very few minutes afterwards.

Before the shop was broken open?—Yes, when the young man was given in charge to the officer.

Mr. *Richard Platt* sworn.—Examined by Mr. *Gurney*.

On the 2nd of December last, were you in Mr. Beckwith's shop, in Skinner-street?—Yes.

State what occurred while you were there, on any person coming into the shop?—I was in the shop speaking to the foreman about a lock.

No matter what you were talking about; while you were there did any person come?—A person, a young man, rushed into the shop, stamped his feet twice, and cried "Arms, arms—we want arms!" he fixed his eyes on Mr. Beckwith's man, and then immediately cast them at myself, and threw up his pistol, cocked it, and was in the act of bringing it down; I struck at it with my left hand, and he brought it round to my belly. He was in the act of bringing it to my breast, as I supposed, I saw the turn of his hand: I struck at it with my left hand to catch the muzzle of the pistol, he drew it from me to prevent my catching it, and immediately brought it round completely, and shot me in the belly. I was very close to him, the pistol went bang against my coat.

Did the ball enter your body?—The ball entered about four inches from the navel.

What did you say or do upon that?—I immediately said, "You have shot me in the belly," he closed, and ran at me again with the pistol; I, supposing it was a double-barrelled pistol, struck at it again with my left hand, and closed with him, and endeavoured to catch the pistol a second time, and he struck me with the butt end of it. I still pressed him into the corner, between the two benches, he then turned the pistol round, and struck me with the butt end of it. I do not know what became of the pistol after that.

What passed next, did you say any thing about a surgeon?—I said, "you have shot me, what did you shoot me for, I am one of you." "O Lord," he exclaimed: I said, "send for a surgeon?" he said, "I am a surgeon myself."

What did he then say?—He exclaimed, and looked up to the ceiling, and clasped his hands, "O my God, I am a misled young man; I have been to Spa-fields;" he attempted to pass me towards the door very calmly after this, but I held my wound with my left hand, and gave him a bang upon his breast, and said, "I must have you secured."

Was he stopped?—I stopped him by that means.

Did you go into the counting house, and were you afterwards removed up stairs?—I held the door, and entreated some persons to come in and secure him immediately; some persons came in, and we went into the back counting-house.

Did you afterwards go up stairs?—After I had been in the counting-house some time, I went up stairs into the kitchen.

Was he taken up stairs?—Before I went up stairs a constable came and searched his pockets, and in his pockets he found a pair of lancets; we were a considerable time in the counting-house together, I should think ten minutes, he standing on my left side, and I sitting down with my arm on Mr. Beckwith's desk. A surgeon's assistant came to me, and I went up stairs with him.

Was he taken up stairs?—I believe he was, the constable wished to take him out, and I wished him not, he sent for hand-cuffs, and he was taken up stairs, and I saw no more of him.

While you were up stairs, did you hear any thing that took place below?—I heard a great rush below, the breaking of the windows, and a great noise, as if they were taking away the arms.

Was there a great mob below?—I do not know that, except from hearing a great crash.

Did you, and the persons with you, escape over the back wall for safety?—We did.

Mr. *Richard Platt* cross-examined by Mr. *Wetherell*.

When this young man first came into the shop, in what part of the shop were you?—About two or three yards from the door.

This young man stamped and called for arms?—Yes.

Was there any wrestling or opposition shewn by you when he called for arms?—Nothing, but as I have related.

Nothing with your hand, or any thing of that sort?—No, not a word was said to me, till the ball was felt.

Did you throw your arm about, or any thing of that sort?—Nothing more but to catch at the pistol as he entered the shop, for I saw the pistol as he entered the door, and was prepared for it; he came in with his pistol in this way (describing it), then brought it down.

You did not put your hands upon his shoulders?—No, I did not.

Not in the scuffle?—Not till after the firing.

When he came into the shop and brandished the pistol, did you put your hands upon his shoulders, and wrestle with him?—Not until he had cocked the pistol, and was in the act of bringing it down, did I attempt to do any thing; then he took away his arm, and brought it round again and fired: my coat was singed.

You did not put your hands upon his shoulder?—Yes, I did, my right hand went over his shoulder, and struggling with my left hand, he could not get away from me, or it would have gone right through, it was in a

lateral direction, it was accidentally that my hands went over in the act of striking at the pistol, my right hand went over his right shoulder, but certainly nothing took place between us, by my making any resistance, or doing any thing, till I was shot.

You did not actually touch him till you were shot?—Certainly my arm struck him in the act of striking at the pistol, but it was as quick as I have moved now, he brought it round as quick as this movement [very quickly].

This young man was a good deal more slender than you were?—He was a little.

He was a good deal, I believe?—He was a very thin man.

This was not an attempt on your part, we all feel your misfortune, I am sure it was no attempt to wrestle with him?—No, not the least, it was merely an attempt to try to catch the pistol.

When he said he was a surgeon, did he appear to feel the injury he had done you in what he did?—He appeared to express, "O my God, I am a young misled man, send for a surgeon—I am a surgeon myself."

Did he appear to say that in sincerity?—He appeared so for the moment, but I did not think it sincere; he appeared calm in a moment, and desirous to slide away from me, and I hindered him, by giving him a bang.

How long did you stay in the shop before the mob returned, or did you go to the back part of the shop?—I was gone before they returned.

Before they attacked the shop, did you go into the back part of the shop, after the pistol was thrown down?—After I had prayed somebody to come in and secure him, we went into the back shop, and there we remained ten minutes before the surgeon's assistant came.

How long was it before you heard the crash? was it ten minutes or longer?—After that I went up stairs, and the surgeon was in the act of examining my wound, perhaps two or three minutes, I was sitting on a chair, and the surgeon examining my wound, and perhaps a minute or two nearly passed before I heard the crash.

How long do you suppose elapsed between the time of your being wounded, and the time of your hearing the crash?—Fifteen minutes, I dare say.

John Roberts sworn.—Examined by Mr. Richardson.

Were you apprentice to Mr. Beckwith on the 2nd of December last.—Yes.

Were you in the shop at the time when Mr. Platt was there?—Yes.

Did you see a young man come into the shop?—Yes.

Did you see a pistol fired?—I did not see the pistol till after it was fired.

Did you hear the report?—Yes, I did, and I had the pistol in my hand immediately afterwards.

What was done with the pistol by the young man after he had fired?—Immediately after he had fired, he put down the pistol on my bench, and I took it up.

What did you do with it?—Some of the neighbours said, I had better give it into the officer's hands, and some of the neighbours gave it into Mr. Worrall's hands.

Did you see it given into Mr. Worrall's hands?—No, I did not, I never saw the pistol after it was given out of my hands.

Was the young man taken up stairs afterwards?—Yes, by Mr. Worrall.

Were you there when the windows were broken, and the arms taken?—Yes.

Were the shop and counting-house cleared of arms, or nearly so?—Nearly so.

And ammunition?—Yes, a great quantity of ammunition.

Did you see the young man go away?—I saw him after he came down stairs, and I saw him take a pair of pistols out of a mahogany case.

Of Mr. Beckwith's pistols?—Yes, and he loaded them while I stood by the side of him.

What did he load them with?—He loaded them with powder and ball.

Both of them?—Yes, the balls were in the mahogany case.

Having loaded them, what did he then do?—I said to him "My boys, we have got plenty of ammunition and arms, we will be off," I pretending to be one of the party.

What did Watson say or do, I beg your lordship's pardon, what did the young man say or do?—He never said a word, but he went out of the shop, and looked to the left hand of him; then he went towards Newgate-street, and I never saw any thing more of him afterwards.

Did you hear him say any thing, after he came down stairs, before he went out?—Not a word, he looked round on the left hand just before he left the shop, then he went towards Newgate-street.

Was that after the mob had plundered the shop?—Yes, the mob was nearly gone when he went away.

I will not go into the detail of what the mob did, but when the mob broke into the shop, what did they do?—They took away the arms.

Lord Ellenborough.—Is this necessary?

Mr. Richardson.—No, my lord, I think not.

Lord Ellenborough.—Perhaps you can ascertain the quantity of arms taken away?

Mr. Richardson.—Mr. Beckwith will prove that, my lord: which way did the mob go?—Towards Newgate-street,

Did you pick up any thing?—I picked up several things taken out of the shop.

Did you pick up any lancets?—Yes; on the Wednesday morning in sweeping the counting-house, I found under the floor-cloth—

Under the edge of the floor-cloth?—Yes, a pair of lancets.

To whom did you deliver them?—To Mr. Beckwith, one of them has got the name of Watson scratched on it.

Those you delivered to Mr. Beckwith?—Yes.

One of them had some mark upon it?—Yes.

What mark?—One of them had the name of Watson.

Mr. Justice *Abbott*.—Had it that scratch on when you found it?—Yes.

John Roberts cross-examined by
Mr. Sergeant *Copley*.

Did you see that mark upon it before you delivered it?—No.

What did Mr. Beckwith do with them?—He put them by.

How soon did you see them again?—Before the lord mayor, two or three days afterwards.

There had been a surgeon there?—Mr. Beveridge.

He came in almost immediately after the accident happened?—Yes.

This was on Monday, and on the Wednesday you saw the lancets?—Yes.

How soon did you take up the pistol?—Almost immediately.

You ran to Mr. Platt to assist him?—No I did not assist him.

Your attention was taken up by Mr. Platt?—No, I was looking round the shop, there was a great mob round the door.

What did you do with the pistol?—I had it in my hand for some time, and I then gave it to another person.

Your attention was engaged by the circumstances that were going on?—Yes.

You made use of some little manoeuvre to get rid of the people, and they went?—I did not speak to the people, only to the young man, and one or two others that were with him, the mob were almost all of them gone.

On your saying this he also went?—Yes.

Mr. *William Andrews Beckwith* sworn.
Examined by Mr. *Shepherd*.

Did you receive any lancets from your apprentice, John Roberts, in December last?—Yes, I did.

Do you recollect when it was you received them?—The second or third morning after the rioters had destroyed my premises.

Did you look at the lancets at any time after you had received them?—I did.

You examined them?—I did.

About how soon?—Directly.

Did you discover any particular marks upon them?—I discovered the name of Watson, with the assistance of a glass.

What glass do you mean, a common glass, or a magnifying glass?—A magnifying glass.

Have you got them with you?—I have not.

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To whom did you give them?—I have them at home in my desk.

Can you tell what number of guns, pistols, swords, and other arms you lost on that day?—I cannot tell the exact number, I can tell you nearly the amount, between fourteen and fifteen hundred pounds worth.

Can you state how many guns and pistols?—I have never counted them, I have got a list of them at home; I gave the solicitor a copy, or nearly a copy of it, at the Old Bailey.

Can you speak to about the number?—I really cannot tell to ten or twenty.

Speak to any number?—Thirty or forty guns, and double the number of pistols? that is within the number, certainly.

That is within the number that you lost from your shop?—Yes; I think it is considerably within the number that were taken away.

Were there any other arms besides guns and pistols?—I believe one sword or hanger, powder and shot, and a number of other articles.

Was there any thing else besides the guns and pistols?—Powder flasks and shot charges.

Ammunition and shooting instruments?—Yes, ammunition and shooting instruments.

Mr. *Attorney General*.—I would beg of your lordship that Mr. Beckwith should go home, and fetch the list of arms which he lost, and those lancets. I do not mean that your lordship should wait, but there will most probably be sufficient time to allow of his return. I do not know whether my learned friend would wish to put any question to you.

Mr. Sergeant *Copley*.—No, we will postpone it till he returns.

George Haslewood Worrall sworn.—Examined by Mr. *Attorney General*.

I believe in the month of December you were a constable of the city of London were you not?—Yes.

On the morning of the 2nd of December, or on the day of the 2nd of December, were you at Mr. Beckwith's, in Skinner-street?—Yes.

How came you to be there?—I was sent for by Mr. Chapple.

When you went there whom did you find, at least who was there?—There were a great number of people, about sixteen, I suppose, or seventeen, in the shop and the counting-house.

Did you take any body into custody?—There was a young man committed to my charge, supposed to be young Watson.

I do not ask you the name, did you take any body into custody?—Yes.

It was a young man?—Yes.

What did you do with the young man, when you first took him into custody?—I laid hold of him by the cuff of his coat, and was going to take him away to the comptrol. There was a gentleman, who, I believe, was Mr. Ireland, the hosier, on Holborn-bridge, says, "you

M

are not going to take him away without properly securing him?"

What did the young man say?

Lord *Ellenborough*.—Is it material going over these circumstances again?

Mr. *Attorney General*.—No, my lord, I do not know that it is. Did you search that young man?—I did.

Did you find any papers in his pocket?—I did.

Look at those papers [shewing them to the witness].—I believe those to be some of the papers.

Mr. *Wetherell*.—We must have them pointed out one by one.

Mr. *Attorney General*.—Take them one by one.—There is my mark, I believe, made upon them, with the three letters of my name.

Did you mark them at that time?—No.

When did you mark them?—I marked them some days afterwards, when I went down.

Mr. *Wetherell*.—Had they been in his possession?

Mr. *Justice Bayley*.—Were they ever out of your possession till you marked them?—Yes, they were, the head marshal had them, Mr. *Wontner*.

Was that in your presence?—Yes.

Did you leave them with him?—I did.

Mr. *Attorney General*.—Can you tell whether these are the papers you took from him or not?—I believe they are.

Look at them?—I believe them to be them, but I did not take them into my possession at the time I searched him, I laid them down on the counting-house stool, on a little ledge by the window, and before I could take them into my possession, this large mob coming, they threw the gentleman's mind into confusion, and mine too, and I went up stairs with young *Watson*, and after it was all over, I was called on duty to the lord Mayor's, and I asked one of the marshalsmen, if they would permit me to go back to Mr. *Beckwith's* shop, for that I had taken some papers from the young man, and that I had not them in my possession; I wanted to see whether they were left.

Did you find them or not?—I found part of them, and a key, a similar key to one I took from his person, which I found on the ground by the counting-house stairs, standing upright, as if it had slipped off the stool, and some papers lying by, similar to those I had taken off his person; that was, I suppose, two hours after I had taken them from his person.

Was that the place where you had put the papers when you first took them?—Yes, it was.

Mr. *Sergeant Copley*.—I understood him to say, he had put them on a window ledge?—Some on a stool, and some on a window ledge.

Mr. *Attorney General*.—How near did you find these to that place, on which you had left

those you took from his person?—They were close, as if they had slipped off the stool.

Are those the papers which you found when you went back to Mr. *Beckwith's*?—Yes, those, except this one.

Do you mean that these are some you left there, or that some of these only are what you found there?—The whole of these, except this outside paper.

Unpin the cover, and tell us which of them are those you found?—The whole of these.

Mr. *Justice Bayley*.—How many are there?—Half a dozen.

Mr. *Attorney General*.—Did you take any pistol while you were there?—There was a pistol put into my hands while I was searching him.

Did you keep that pistol?—Yes, I did for a day or two.

What did you then do with it?—I delivered it into the hands of Mr. *Wontner*, the head marshal; I marked it before I gave it over to him.

Have you got it here?—Yes, I have.

[The witness produced it.]

Lord *Ellenborough*.—When did you first get it?—At the time I was first searching the prisoner.

Mr. *Attorney General*.—Do you know it to be the pistol that was given you at the time you were searching the prisoner?—Yes.

I will not go through all the particulars, but you took the young man up stairs?—Yes, into the three pair of stairs back room.

Did you see any persons break the windows of the shop?—No, I did not.

Did you hear any noise of any crash?—Oh yes, a very great noise.

George Haslewood Worrall cross-examined by Mr. *Wetherell*.

Do I understand you to say, that after you had searched this young man, and before you came back again, you were absent about two hours?—I think about two hours.

Then you came back, and you found some papers in the shop?—In the counting-house, and this key; I remembered taking a similar key from his person, and I unlocked his bed-room door with this key, where he lodged.

You delivered the papers over to Mr. *Wontner*?

Lord *Ellenborough*.—Did I understand you to say, that you unlocked his door with that key?—Yes.

What led you to believe that was the key of his door?—The lord mayor sent *Fogg*, one of the marshals' men.

Mr. *Justice Abbott*.—He did not tell you where he lodged?—No.

But you unlocked a door of a room with that key?—Yes.

Mr. *Justice Bayley*.—Where was the door

you unlocked with that key?—I think it was in Hart-street, Bloomsbury.

Do you remember the number?—I cannot say, positively.

Who went with you?—One of the marshals' men, Fogg.

Mr. Attorney General.—In what street, Bloomsbury was it?—I think Hart-street, or Hyde-street.

Do you know the name of the person who was there in the house?—No, I do not; I know him by person, because I asked him before I opened the door.

You know the master of the house?—Yes, I do.

Do you know his name?—I do not.

Do you know his person?—Yes, I know his person.

Was it at the house, of which that person was master, that you tried the key?—It was.

What was the name of the street, Hart-street or what?—I think Hyde-street.

Mr. Wetherell.—When you went back and got the papers, you delivered them over to Mr. Wontner?—No, not immediately.

How long were they out of your possession before you marked them?—A day or two, I marked them at the Secretary of State's Office.

Let me look at the key: is not it a common sort of a key?—This was the only thing that I took notice of, taking it from his person, particularly of its size and of its description; as soon as I took it up I knew it to be the key that I took off his person.

Mr. Justice Bayley.—Where did you lay that key and those papers?—I put a great many of them on the pocket-book on a counting-house stool, and a little ledge near the stool.

You went from thence to the lord mayor?—Yes.

When you returned you did not find all the papers?—No, there were not half of them left; there were best part of them gone away.

But there were some of them left, and the key?—Yes, the key appeared to have slipped off the stool, and was standing against the stool and the wainscot.

You have there a pistol?—Yes.

By whom was that delivered to you?—It was given me by one of the gentlemen who was there.

Do you know Roberts, the apprentice of Mr. Beckwith?—Yes.

Was he present when that pistol was delivered to you?—He was either in the shop, or in the counting-house: I suppose there were sixteen gentlemen there; as soon as the mob came they all flew.

You carried that with you to the Mansion-house?—No, I did not carry it to the Mansion-house; after I left Mr. Beckwith's shop, I took it to my own house and hid it.

When you came back, you found it where you had hid it?—Yes.

Did you mark it?—When I came from the

Secretary of State's Office, Mr. Wontner came to my own house.

Did you keep it in your possession till you marked it?—I did; and then afterwards, when I had marked it, I delivered it to Mr. Wontner.

That is the pistol?—That is the pistol, I know.

[Zaccheus Bannister came into Court.]

Mr. Attorney General.—Look at that person who has just come in; is that the master of the house whom you saw where you went with the key?—It is.

Mr. Justice Abbott.—What is his name?

Mr. Attorney General.—Zaccheus Bannister.

Witness.—I asked him——

Mr. Attorney General.—I do not ask you what you asked him, only whether he was present: was he present when you unlocked the door?—He was.

Mr. Wetherell.—I will take the liberty of submitting to your lordship, whether these papers are sufficiently identified to be received at all?

Lord Ellenborough.—They have not been offered in evidence at present.

Mr. Wetherell.—My lord, I must reserve the same objection as to the pistol, when that is offered in evidence: when was the first time you stated these transactions, and that you had these things?—To the lord mayor on the same evening at the Compter.

Alderman Sir James Shaw, baronet, M.P. sworn.—Examined by Mr. Solicitor General.

Do you recollect the 2nd of December last?—I do.

Were you at the Royal Exchange on that day?—I was.

About what hour?—I think about half past twelve.

Had you, before you were at the Royal Exchange, seen a large mob of persons any where?—The first sight that I obtained of the mob was in Cornhill; the lord mayor and myself had heard that the mob was approaching the city, and we went in pursuit of them; and the first time that we saw them was as they were crossing the front of the Royal Exchange, advancing: we found it would be very difficult to take them in front; and seeing a column pass down Sweeting's-lane, and make a turn to the east side of the Royal Exchange, we immediately rushed through the Royal Exchange, to endeavour to take them in front on the other side—we accomplished that: in passing through the north door of the Royal Exchange we met them in front, between the north door of the Royal Exchange, and the house known as the Old Stock Exchange, in Threadneedle-street; the lord mayor and myself having received information of the prior occurrences in

the city, determined upon the necessity of putting them down; we immediately approached them with as much expedition as we could, and seized several of those who appeared to be the ringleaders—we likewise seized the flag.

They had a flag with them?—They had one flag.

What sort of a flag was that?—A flag of three colours on a very long pole.

Were the persons, or any of them, armed, at that time?—I, myself, did not perceive any arms at that time; the reason of that probably might have been, that the instant I saw the colours, my mind was impressed with the notion of the absolute necessity of seizing the colours, as the most likely means of dispersing the mob: I therefore made all the exertion I could to seize them.

Did you seize the flag?—I seized the flag and the pole.

Is this the flag? [producing it.]—I have every reason to believe that is the flag.

What did you do with it afterwards?—I kept it in my possession till it was put into a place of security; it was delivered to the master at Lloyd's, in order that the lord mayor and myself might be left at liberty to pursue the remnant of the rioters.

You believe that to be the same?—I believe it is; I could have spoken positively to the pole if it had been there: it is precisely of the same description with the flag which I took.

Do you recollect the inscription upon it?—I think there were three inscriptions.

Nature to feed the hungry?—Yes; and Justice to punish crime.

Mr. *Solicitor General*.—You may look at that.—That is the same, I am sure.

Mr. *Wetherell*.—There is no doubt of it.

Witness.—It was marked in the same way, of the same colours, and with the same inscription.

Mr. *Solicitor General*.—You say you did not at the moment perceive any arms, did you hear the report of any muskets?—Yes; and I saw a musket taken from a man close by me.

And you heard firing?—After I had retired into the Exchange to secure the prisoners, there were two muskets fired.

Where did you retire?—To secure the prisoners we retired to the centre of the Royal Exchange; I would mention, that as soon as we had taken the flag, the mob dispersed in all directions; it was after that the lord mayor suggested—

I must not ask you the lord mayor's suggestions, but did you hear any report of any fire arms after that?—Yes, I think of two.

Whereabout were those discharged?—They were discharged under the door of the Royal Exchange.

Had you closed the door on your going into the Royal Exchange with the prisoners?—Yes, there was an intimation of the rioters attempt-

ing to rally, and the lord mayor directed the doors should be shut.

After this you heard the report of arms under the door?—I did.

At the time the door was closed, and these arms discharged, some of those whom you had seized were in the Royal Exchange?—Several of them.

Alderman Sir *James Shaw*, baronet. M. P. cross-examined by Mr. *Sergeant Copley*.

There were two pieces discharged under the door?—Yes.

Do you know whether they were loaded with any thing but powder?—I cannot speak to what they were loaded with.

Have you any reason to believe they were loaded with any thing but powder?—I cannot speak at all to that.

Where were you when you first heard the account of this mob coming into the city?—I was at the Mansion-house; about twelve o'clock I went to the Mansion-house in order to learn what arrangement the lord mayor had made in the event of any mob: I had not been there above one or two minutes before several messengers in succession arrived to acquaint the lord mayor, that a mob of several thousand persons (it was so stated) were approaching the city; and lastly, that the shop of Mr. Beckwith had been plundered, and a man shot.

In consequence of this, you and the lord mayor proceeded to meet this mob?—Immediately.

What attendants had you with you?—The only attendant we had was a gentleman, an acquaintance of my lord mayor, Mr. White, and we collected two constables in the Mansion-house; we proceeded towards Guildhall to get further assistance; but this being at an earlier time than the lord mayor had directed the attendance of the constables, we could procure only three more, so that in all we had only five constables.

The whole party consisted of eight?—Yes, of eight.

Had you any arms with you?—None.

Had any of the party arms?—None.

Where did you first meet the mob?—The first of our seeing the mob, as I have already mentioned, was in Cornhill as they were passing from the Royal Exchange.

That is, passing on the south side of the Royal Exchange?—Yes.

Do you also know whether any of them were on the other side, the north side of the Royal Exchange?—At that time I presume none.

Seeing you, did they alter their course, and take the north side?—They did not see us, we were in their rear, we were desirous of getting in the front for the purpose of dispersing them, we saw the flag and thought the most probable way would be to encounter the leaders.

Your operation was to go through the south gate of the Royal Exchange, and so to the north gate?—Yes.

When you got through the Royal Exchange you met the mob?—Yes, we met them between the Royal Exchange and the old Stock Exchange proceeding towards the Bank.

That is one of the main streets that leads into the city?—Yes.

There you, for the first time, came up with them?—Yes.

And you being an unarmed party succeeded in dispersing them?—For that time.

Was any resistance made that was at all effectual?—No.

You seized the standard, and they all dispersed in every direction?—The lord mayor and others present seized several persons.

There was no resistance then?—I cannot say there was no resistance, the person who had the standard made a struggle, but he was a short man, I was a much stronger man than he was.

He struggled to escape?—To retain the standard.

You felt very little alarm at what was going on?—I thought it was our duty as magistrates, to endeavour to protect the peace.

Did you feel any personal alarm?—I apprehend there was no personal alarm felt by any of the party at the time; we were acting in the discharge of our duty.

Persons sometimes are very firm in the discharge of their duty, though feeling a little alarm, but you had no alarm, nor do you conceive any of the party had?

Mr. *Solicitor General*.—What the witness thinks is not evidence.

Mr. *Sergeant Copley*.—Previously to the meeting on the 15th of November were measures taken for the security of the Metropolis?—I have no precise recollection of what was done on that day.

You are aware of what I am adverting to, namely the first Spa-fields meeting?—Yes, I recollect it.

What was done in the city on that day you do not recollect?—No.

You had previous notice of the meeting on the 2nd of December?—Yes.

Were there previous directions given to insure the safety of the city?—There were, the lord mayor had given directions, but not at so early an hour as this occurred.

Was it known?—All the magistrates had notice of it.

Were there not bills posted round the city, giving general notice of it?—There were.

How long was it before the 2nd of December, that this general notification was made?—I cannot remember the precise day; it was a matter of public notoriety.

Was it two or three days before?—I cannot speak to the day.

After the gates were shut, and you were inside the Royal Exchange, how long did the gates remain closed?—I really cannot speak to that.

I do not ask you to speak with particulars ac-

curacy.—I believe before the gates were re-opened, the lord mayor and myself had left the Royal Exchange in pursuit of the remnant of the rioters, having received information that a small remnant of them had proceeded to the east end of the city.

Did you, in consequence of that, pursue them?

—We, in consequence of that, left the Royal Exchange, and went in pursuit of them; we got as far to the eastward as Leadenhall-street, where we were stopped by an acquaintance of the lord mayor, who told us, that the rioters were completely dispersed, that they had completely separated; that induced us to return.

Satisfied with that information you returned home?—Yes.

How long might this attack upon the rioters near the Stock Exchange last; a minute?—It was very momentary.

Not a minute, perhaps?—Perhaps not.

Alderman Sir *James Shaw*, baronet. M. P.

re-examined by Mr. *Solicitor General*.

It was after you had secured the persons of some of the ringleaders, and they had for the time dispersed, that two shots were fired under the door of the Royal Exchange?—It was.

Mr. *Wetherell*.—He has not said there were any shots.

Mr. *Solicitor General*.—That the guns were discharged?—Yes.

Mr. *Sergeant Copley*.—Was there any trace of any shot? was any body hurt?—Nobody was hurt; I cannot speak to whether there were any traces, I heard the report only.

Mr. *Attorney General*.—Was either of these the pole of the flag you seized?—

[Three poles being brought into court.]

It was neither of these three.

Mr. *Attorney General*.—My lord I now propose to read those papers that were found upon the young man at Mr. Beckwith's.

Mr. *Wetherell*.—My lord, I must take the liberty of submitting to your lordship, an objection against these papers being read; what they are I know not, but I conceive, for the purpose of preserving consistency, and the rules of evidence, it is necessary that this point should be attended to.

I apprehend the fact stands thus, that the constable, Mr. Worrall, searched this young man at Mr. Beckwith's shop, and took from him a parcel, which he says contained papers; the witness does not represent that he read them over, or that by reading any part of the contents of the papers, or from any other circumstance, he is able to identify these as being the papers which he took out of his pocket, and deposited in the place described; consequently, the original taking of the papers is unaccompanied with any mark of identity whatever. My lord, in that view, therefore, of

the case, the proposition stands, in all its abstract extent, that certain papers were taken from his possession—

Lord *Ellenborough*.—Do you add any further evidence, Mr. Attorney-general, with respect to these papers?

Mr. *Attorney General*.—No, my lord, I have no further evidence to add, with respect to these papers.

Mr. *Wetherell*.—The fact, my lord, stands thus, that a quantity of papers were taken out of the possession of this individual, they were neither read, nor marked by the individual who took them, so as to prove that these are the same. I understood him to say, they were put in a particular place in the counting-house, on a ledge of the desk, or the window, and part on the stool; whether they were dispersed in two places, I did not quite accurately collect from the witness. It appears, then, that these papers were left in some confusion; thrown about, rather than placed in any place enabling him to identify them again. Then the person taking the papers, Mr. Worrall, retired to the Mansion-house on his duty, and the shop was delivered over to the possession of a mob—who the persons were who entered the shop, or what they might do with the papers does not appear—a quarter of an hour elapsed before the mob came back to break it open; but how long ultimately the mob were left in possession of the house we have not heard from any witness who has been called, my Lord—

Lord *Ellenborough*.—None of them were stated to be in the actual possession in which they were left, but to have all fallen down.

Mr. *Wetherell*.—Just so, my lord, they were not in the place, as I understand, where they were deposited; he says they were near the place, as I understand him. My lord, under these circumstances, I say, that the identity of the place of deposit is not made out.

Lord *Ellenborough*.—And the papers were out of his possession some days before he marked them.

Mr. *Wetherell*.—I was coming to that afterwards.

Lord *Ellenborough*.—I think Mr. Attorney-general, unless you can carry it further, this will not do, to introduce these papers which he conceives are what were left—there were several taken away during his absence—they were not in a place of safe and undisturbed deposit.

Mr. *Attorney General*.—Certainly, my lord, there was an interval of time.

Lord *Ellenborough*.—Nor, when he got them, did he mark them; there are two periods, during which great uncertainty rests upon them, and there was no previous inspection of them, to know that they are the same.

Mr. *Attorney General*.—My lord, when once the Court suggests any doubt upon them, I will not press them for a moment, it is quite sufficient that your lordship has decided it.

Lord *Ellenborough*.—Without looking at the other point, they were out of his possession before they were marked, so that the marking attracts no identification to them.

Mr. *Solicitor General*.—No, my lord, certainly not—we are quite satisfied.

Mr. *Gurney*.—My lord, there are three witnesses whom we intended to have gone on with, but something is taking place in the city which has attracted them thither. We have sent to them to return, but we must, in the mean time, go on with other witnesses, I mention that, my lord, as our apology for going out of the order.

Lord *Ellenborough*.—Do you offer the pistol now, or postpone that?

Mr. *Gurney*.—We shall give further evidence with respect to the pistol.

Mr. *Attorney General*.—I am fearful to state to your lordship what that evidence may be, lest it should be supposed, I am stating it irregularly.

Lord *Ellenborough*.—Certainly, we only wish to know whether it was to be offered now.

Thomas Taylor sworn.—Examined by Mr. *Gurney*.

On the second of December last, were you in Houndsditch?—I was in Houndsditch the beginning of December.

The day of the mob?—Yes, the day of the mob.

Did you see the mob in Houndsditch?—I did, I was at dinner, and I went down and saw them.

Which way were they going?—Going towards the Minories.

Have you since seen any one of the persons you saw walking with that mob?—Neither before nor since to my knowledge.

Look at those persons in the second row, and see whether you see there any person who was walking with that mob?—I do not remember ne'er a one of them.

Come a little nearer, and look [the witness went nearer].—I do not recollect any one of them.

You do not remember any one of those persons?—I do not, they were all strangers to me, and I do not recollect any one of their persons.

The mob went on towards the Minories?—They did, very quick.

Did you observe any person walking with the mob, who was lame?—I did observe a man walking next the door, that came on the foot pavement, that was lame, but I did not see his face, he was looking at the mob with the guns

on their shoulders, some of the mob had guns on their shoulders, and he was looking towards them.

Francis Kinnersley sworn.—Examined by
Mr. Gurney.

Are you a constable?—Yes.

Were you in the Minories on the 2nd of December?—I was.

Did you see the mob there?—Yes.

Had the mob any arms?—Yes.

What arms had they when they came?—Guns, pistols, and cutlasses.

Did the mob attack any shops in the minories?—I did not see that, I was summoned to attend at Guildhall.

Had the shops been attacked before you saw the mob?—I believe they had.

Mr. Wetherell.—You must first prove that the event took place, but you assume that.

Mr. Gurney.—Oh! the fact is notorious: did you see any shop attacked?—I was at the top of the Minories, and I saw a great mob of people about Messrs. Brauder and Potts's door.

Are they gunsmiths?—They are.

Was that shop broken open and plundered?—I cannot say.

Did you see the windows broken in, and the guns gone?—No.

Did you see any gunsmith's shop that was broken open?—Yes, afterwards, but not at that time.

Whose was that?—Brander and Potts's, and Mr. Rea's; both.

Was that done before you got there, or afterwards?—It was done before I got there.

Then you might have told me that you got there after it was done; did you see any person, whom you have since seen in custody among the mob?—I did.

Who was that?—Mr. Preston.

Did you see him for a moment, or for any longer period of time?—The way I came to see him was—

I do not ask the way you came to see him; but did you see him for a moment, or at different times?—I saw him in the mob at three different times.

At the same place, or at different places?—At different places.

Was he alone? or among whom did you see him at each different place?—He was in the mob.

How long were you there before the soldiers came?—About ten or twenty minutes; I cannot justly say.

Was it before the soldiers came that you first saw him?—It was after the soldiers came.

Mr. Wetherell.—We must have the fact of the soldiers coming first.

Mr. Gurney.—Did the soldiers come?—The soldiers were there in about ten or twenty minutes after I came there, but the confusion was so great I cannot speak to a minute.

Was there a good deal of confusion?—There was.

Upon the arrival of the soldiers, what took place with respect to the mob?—They dispersed in all manner of directions.

What did the mob do with the arms they had?—Some the soldiers took from them, some I did, and some they dropped.

How many did you collect all together yourself?—I suppose it might be, I cannot justly ascertain, about forty or fifty fire-arms, besides pistols and cutlasses.

Were there any arms besides those? was there any larger piece?—Yes, there was one piece of cannon.

Did you take that also?—Yes.

Did the military remain there some time?—Yes.

After the mob had first dispersed and thrown down their arms, did there still remain an assemblage of persons about them?—A vast quantity.

What did those persons say and do?—They hissed and shouted, and made use of degrading language to the soldiers.

Degrading language to the military?—Yes.

Mr. Wetherell.—He did not say to the military.

Witness.—I said to the soldiers.

Did you see Preston among any part of the mob at that time?—I did.

Did you fix your eye upon him intently?—I will tell you how I came to see him—

I did not ask that, but did you fix your eye upon him?—I did.

Did he perceive it?—I cannot say, but I should think he must have, by the staff being in my hand.

Francis Kinnersley cross-examined by
Mr. Wetherell.

Were you examined at the lord mayor's?—Yes, I was.

Did not you state to the lord mayor that Preston was standing with his hands in his breeches pockets, as I may do here?—He had his hands in front, in this way [with the hands together].

They might be in his waistcoat pockets?—They were somewhat in that shape.

And you so stated at the lord mayor's, did not you?—Yes.

You did not state that Preston was hissing, and using this degrading language, I believe?—I did not.

Did you not state the contrary, that Preston was standing very quietly upon the pavement, and did not hiss?—I did; that was what made me take notice.

You took notice of him because he was behaving so quietly?—I did.

You stated so to the lord mayor, I think?—I did.

Had you been at this place before the military came up, or did you come into the Minories as the soldiers came there?—I live

in Hanover-court, Houndsditch, I was going to Guildhall, and I inquired the reason why the shops were shut up, I heard a very great noise, and inquired what was the cause of it, and Mr. Benson told me—

I must not have any thing of that, only what you saw yourself?—I heard that the mob were gone with fire-arms and different things.

Did you see any thing which took place at the house of Brander and Potts, or of Rea?—I went to the top of the Minories, I saw the mob; what they were doing at the bottom of the Minories I cannot say; I went and communicated the business to the lord mayor immediately.

As soon as the soldiers made their appearance, the mob dispersed in all directions?—They did.

They threw away their arms?—Yes.

You picked up some of them?—I did.

Now as to this degrading language, you have heard mobs hiss before?—I have.

Did this mob hiss the same as a common mob?—Just like a common mob.

What was the language they used?—They were damning and blasting, and very outrageous—

Just like other mobs?—Yes, they were behaving in a most outrageous manner.

Have you seen other good people in mobs act in the same outrageous manner?—Yes, I have.

Francis Kinnarsley re-examined by *Mr. Gurney*.

I think you say, when you came out into Houndsditch, you found the shops shut up?—I did.

Mr. Wetherell.—Did you state to the lord mayor, that your reason for remarking Preston was, that his behaviour was so quiet?—I did.

Mr. Justice Abbott.—I think you said you were going to Guildhall, in consequence of your having an appointment there?—Yes.

What was the time you were appointed to be at Guildhall?—I think it was two o'clock.

Mr. Gurney.—Were the shops in the Minories also shut up?—Every shop; that was, before I went to the lord mayor's.

All business suspended, and the shops shut up?—Every one; I do not think there was one that was not shut up.

John Hall, esq. sworn.—Examined by *Mr. Richardson*.

I believe you are a merchant of the city of London, and at present high sheriff for the county of Essex?—I am.

Where is your place of business in the city?—In the Circus in the Minories.

Did you see any mob in the city on the 2nd of December?—I was told the mob was coming down the Minories; in consequence of which I immediately proceeded to Mr. Rea's shop, and assisted him in closing it up; expecting that the mob would come there for the same purpose as they had been at Mr. Beckwith's.

You had heard that they had been at Mr. Beckwith's shop?—Yes.

Mr. Rea is a dealer in the same articles?—Yes.

And you assisted him in closing his shop?—I did.

While you were there did the mob arrive?—They did not; they arrived at Brander and Potts's shop, whilst we were occupied in closing Mr. Rea's shop.

Brander and Potts are also gunsmiths?—Yes.

And their shop is higher up?—It is.

What did you observe them do?—When I arrived opposite the shop of Brander and Potts—

You advanced up the Minories?—Yes; when I arrived up at Brander and Potts's the mob just made their appearance, and immediately attacked the windows and shutters of Messrs. Brander and Potts with pick-axes.

Were Brander and Potts's shutters closed?—They were.

Were the shops in the Minories in general closed?—They were.

They attacked the doors and shutters with the swords?—Yes, and with the butt-ends of muskets. I then saw one of the men, after having made an aperture over the door, creep in over the door into the shop.

Is there a window?—There was an opening, something like a fanlight window, into which the person got; and, in the mean time, he succeeded in breaking the shutters away from the shop window. I saw them remove nearly the whole of the arms that were placed in the window, and in the shop, taking them out to the populace; those outside the shop were occupied, some of them in firing their arms into the air—loading their guns, and firing them off into the air.

Mr. Justice Bayley.—Did they load again after firing?—Yes, repeatedly they fired them off, like a *feu de joie*, into the air. Finding there was no military assistance, I immediately proceeded to the Tower, to obtain military assistance, if I could have got it.

Did you obtain any assistance there?—No, I did not; it was refused me. I then returned to the Minories, and fixed myself near Rea's shop, to which the mob at that time had arrived, with a view of marking some of those whom I might be able to distinguish, as being the leaders of the party there.

Did you observe them attentively, as much as you could with that view?—I did.

What did you see them do at Rea's?—By the time I came back they had broken the door. I went round and I saw them attacking the door of Mr. Hewson, being the door of a gentleman who occupies the upper part of the house, under which Mr. Rea's shop is.

Lord Ellenborough.—Does he keep the shop there?—No, he keeps a lodging-house above; they wished to make a clear passage through into Rea's shop, and that they effected.

Mr. Justice Abbott.—That door is in another street?—Yes, it is in a narrow street.

Lord Ellenborough.—Hewson has the upper part of the house?—Yes.

Mr. Richardson.—What passed when you came back?—That took a considerable time, it afforded considerable resistance, and with the butt ends of muskets and pickaxes, and such things, they forced it; it took them at least ten minutes to force their way by that door.

Did you observe any other preparation made for forcing the door, besides pickaxes, and the butt-ends of muskets?—A small brass-barrelled piece was brought up opposite the door.

By the mob?—By the mob, as I presumed, with a view to firing into the door, not being able to get access into the house.

Was that placed opposite to the door?—Yes; it appearing to be fully loaded up to the muzzle, I thought it prudent to withdraw—I thought if they attempted to fire it off it would burst.

Did you see the loading?—There was something like wadding hanging out of the mouth of it, it seemed to be filled with something; I withdrew to a short distance from the premises, but still keeping an eye upon those who were taking the lead with the mob.

You saw them force the door with pickaxes, and the butt-ends of muskets?—Yes.

Having burst that door, did any of them rush into the house?—They did.

Was Rea's shop plundered of the arms in the same way as you have before spoken of Brander and Potts's?—Yes.

And delivered to the mob on the outside?—Yes; when they had forced this door, they delivered them out of both doors, at least the window in one street, and the door in the other, and they brought out various other articles, apparel, and so on, and gave to the mob.

Having observed with as much attention as you could, those who appeared to be ring-leaders in the transaction, be kind enough to state whether any of the persons in custody now in court were there?—Since I came into court yesterday, the features of Thistlewood have struck me as extremely remarkable, so as to state that I am certain he was there, and that he was active; there is one doubt as to the colour of his whiskers, they appeared to me on that day to be of a lighter colour than they are now.

What is your other observation with respect to his other features?—I have no doubt with respect to the rest of his countenance.

Have you observed him attentively?—I have.

And he appeared to you to be very active?—Yes.

Was his dress similar then to what it is now?

—No; he wore a great coat, at that time close buttoned.

Of what colour?—That I have no immediate recollection of, from the circumstance of the mob being about him.

You observed his features more particularly?

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—I observed the features of the party, and not their dress.

Had he any weapon?—He had none at the time I saw him.

Did you see any of the other prisoners?—No, none of them; there was one other prisoner whom I did not mark particularly on that day, who has been convicted at the Old Bailey.

Was that Cashman?—No, Simmonds.

Were you there at the time that the soldiers came?—I was.

And when the mob dispersed?—The mob moved off five, if not ten, minutes before the military appeared.

And were going up the Minories?—Yes; there were stragglers remaining.

Did you proceed in collecting the guns?—I applied to several of them to deliver up their arms, which they did, several of them, after the main body had moved off, some sailors and others.

Mr. Justice Bayley.—That was before the military came?—Yes; it was before the military came.

John Hall, esq. cross-examined by
Mr. Sergeant Copley.

This was in the month of December?—It was.

Have you ever seen Thistlewood, from that time to the present?—I have not, but I have described the appearance of him.

That description, in all respects, did not turn out to be accurate, did it?—The description in regard to the features in general, is most accurate; the dress, certainly, I have never described.

There is one particular, in which it turned out your description was not accurate?—I am not aware of that.

You did not describe the features?—I described the features I saw.

There was one circumstance not corresponding with the idea you had?—Yes, with regard to his whiskers.

There was a great deal of confusion?—Yes, but my attention was particularly fixed on their features.

When you saw him yesterday, he was sitting here as one of the prisoners?—He was.

You knew that he was one of the parties charged at the time?—Yes.

You had not seen him from the second of December to the present time?—No, except on that day.

In this riot, which took place at the Minories, after they broke open the house of Brander and Potts, you describe them as loading the guns, and firing them off, without any aim or object, a sort of *feu de joie*?—Certainly I did not perceive any disposition in the mob to do any personal violence to any body, their object seemed to be to obtain arms.

And when they had got the arms, they fired them off?—Yes, as a commemoration of the victory of having obtained them.

They did not seem to know to what use to apply them?—No, very few of them certainly.

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They did not confine themselves to taking arms, they took clothes, and other things?—They did at Rea's.

Had you any conversation with the people there, to know what they were aiming at?—Not with the mob in the first instance; when the mob made their appearance at Brander and Potts's door, I considered their numbers so contemptible, that I offered, if any would join me, I would have disarmed them, I thought twenty persons would have been sufficient at that time.

After that time a number of idle persons had joined them?—When I returned from the Tower to Rea's shop, I suppose the mob had increased to four or five hundred.

Did they appear to be idle persons who had joined them?—From the appearance of them, I should think the greater proportion were of that description.

So much so, that after they had got the arms, before the soldiers came, on your application, many of them gave them up?—They did so.

At the time did they know to what use they were to apply them?—I do not think they did; they had the arms distributed to them without having any specific object; those persons to whom I applied for the re-delivery of them, appeared to be idle stragglers about.

And who gave them up without any resistance on the first application?—They did.

In what direction did the persons go off with those arms?—Up the Minories, towards Aldgate.

Is that towards this end of the town?—The Minories runs north and south.

Mr. Justice *Bayley*.—Coming from the Tower, or going towards the Tower?—From the Tower.

Mr. Sergeant *Copley*.—Having got those arms, they went away from the door?—Yes.

You applied at the Tower for some force?—Yes, I did.

They refused you?—Yes they did.

Did they think it too contemptible?—They said they had no orders, I had great difficulty in getting in at the wicket.

Was there force there?—The guard was under arms.

Was the draw-bridge raised?—I did not get so far as that.

To whom did you apply?—The officer of the guard, I told him, I conceived, about twenty soldiers would be sufficient to put an end to the proceedings in the Minories.

Lord *Ellenborough*.—What did he say?—I understood him, that he could not send troops out of the Tower, without orders.

Mr. Sergeant *Copley*.—It was your opinion, that twenty, or five and twenty, would have put down this mob?—That was my opinion at that time.

Was there any appearance of any people collected on Tower-hill, in any force?—Not previous to the mob entering the Minories.

Afterwards?—When I returned, there was in the Minories four or five hundred persons. Rea's shop is so low in the Minories, that part of that mob would be on Tower-hill, and part in the Minories.

What were the mob doing?—There were shouting and huzzaing, and there were some drunken women among them, with sabres in their hands; the arms were so numerous, in fact, that any person might have had them that chose.

Any person might have picked them up?—Yes.

Was there any attempt of any kind to attack the Tower?—I saw none; but I ought to state that my situation was such as to preclude me from seeing them, for I had placed myself in the narrow street near Rea's shop.

You did not see the Tower attacked?—I did not.

You never heard of any attack on the Tower?—I did not.

John Hall, esq. re-examined by
Mr. *Richardson*.

Were any of the mob armed before they came to the Minories?—Yes.

With what?—Muskets and pistols; and there was a drayman who had a pike, but I calculated that the numbers were not more than fifteen or sixteen armed persons before they attacked Brander and Potts's shop; at least I saw no more.

Some persons delivered up arms to you upon your application to them; they were the stragglers who remained after the main body of the mob were gone up the street?—Yes.

They had got more arms than were necessary to arm the whole body?—Yes, there were arms lying about the streets; those arms were more than sufficient to arm that number.

Now, as to Mr. Thistlewood, you had not seen him from the 2nd of December till yesterday?—I had not.

As soon as you saw him yesterday, did the resemblance strike you?—Immediately, very forcibly; I set about considering how far the features varied from my recollection, and I conceived that the colour of the whiskers was lighter than those appear to be now, and that was the only variance I perceived.

Lord *Ellenborough*.—You have said that you looked on, with a view of marking the leaders of the party; at the time you applied yourself to the leaders of the party did you not imagine there was danger from the proceedings going on?—I conceived that those acts of burglary which were committed on the spot, endangered the safety of his majesty's subjects, and I considered it proper to procure a force, if I possibly could.

You thought there was a serious danger?—Certainly.

When you applied at the Tower, you thought there was a serious danger?—Certainly, my lord.

Mr. Attorney General.—My lord, I understand Mr. Beckwith has been home and fetched those lancets and the other things, we desired; perhaps your lordship will allow him now to produce them?

Lord Ellenborough.—If you please.

Mr. William Andrews Beckwith called in again.

Mr. Attorney General.—Have you brought the lancets?—I have.

Are those the lancets that were delivered to you by your apprentice?—They are.

They have been in your custody ever since?—They have.

Has any alteration been made in them by putting any mark upon them since they were first in your possession?—No, I did not mark them, thinking it unnecessary; because they were never out of my sight, except when locked in the desk.

Has any body made any alteration in them since they were delivered to you by your apprentice?—No. [They were produced and handed in.]

Mr. Attorney General.—Mr. Barlow, if there is any thing visible with the naked eye, you will read it, if not we will send for a glass.

Mr. Justice Abbott.—Upon what part is the mark?—Upon the handle.

Mr. Justice Abbott.—There appears to be an attempt first to make a W in print; then there is a W in writing, followed by a. t. s. o. n.

Mr. Solicitor General.—Yes, it is so, my lord.

Lord Ellenborough.—Have you seen it with a glass?—Yes, I have.

Mr. Shepherd.—Have you brought with you a list of the arms you lost from your shop?—Yes, I have [producing it].

Is that a correct list of all the arms in your shop on the 2nd of December?—No, it is not; it is a list only of those arms that I lost, and not quite a correct list of them, for I have recollected since one or two others.

Did you lose all the arms set down upon that paper upon the 2nd of December?—They were taken away or destroyed on the 2nd of December.

There might be a few more?—Yes; that is most likely.

How many were there?—Nearly the number I before stated; about forty guns, and between seventy and eighty pair of pistols.

Mr. William Andrews Beckwith cross-examined by *Mr. Wetherell*.

Were those lancets produced at the Old Bailey on the trial of Hooper?—No, not that I know of.

You know that they were not?—They were not, I believe.

Mr. Martin Brander sworn.—Examined by *Mr. Shepherd*.

You are a gunsmith in the Minories?—Yes.

State what took place about your house on the 2nd of December last?—Sometime about a quarter past one o'clock, the rioters came before our house; we could not see any of them, for we had got our house inclosed in; they stopped before the house, and I could hear them say while I was in my counting-house, "This is the house."

First of all state the situation of your house?—It is No. 70, in the Minories, on the left-hand side going down.

Is the shop open to the street?—Oh, yes; like other shops, open to the street.

Before you saw the mob?—I did not see the mob; we were all shut in, the same as if it had been twelve o'clock at night, and all secured and barred up; it was just done before the mob came to us.

Was that in consequence of your hearing that the mob were coming?—Yes.

State what passed when the mob came?—When the mob came into the street, about a quarter past one, they said, "This is the house," I heard them say it, then, after they had stopped a second or two, they knocked at the door, and rang three times, and said, "if you will not open the door we will break into the house, and knock the house down about you."

They said that?—Yes, they did.

Did you hear any thing else?—They fired guns off in the street, they were fired up in the air.

What took place then?—They rung three times at the bell, we never went to the door, only stood in the counting-house; they then began hammering against the shutters, or with pickaxes or poleaxes, which have a spike at one side and a blade at the other, they were cutting the shutters and breaking them through, then they forced them down.

Did any body at last get in?—The first that got in was a young lad over the fanlight of the door; he got up first, broke all the glass; he seemed to be a young lad about eighteen.

What did he do when he got inside the house?—As soon as he got so far, he asked them to give him arms, and they gave him a sword and pistols from without.

Who gave that?—We could not tell that, it was from without, he then came in and advanced in the house.

Was Mr. Potts in the house?—Yes; he was in the counting-house, and this young fellow stood over Mr. Potts, with a pistol presented to his breast in one hand, and a cutlass in the other, during the whole time.

What took place then?—He asked for keys; he says, "keys, I have no keys, you have possession of every thing," he then went back and chucked some things out to the people in the street, and he handed some unfinished muskets out of the fanlight, there was then a knocking against the shutters—it increased.

Did they at last get into the shop?—They did; they broke in the shutters, and the glass, and all; and when some of them got in through the glass, they then could not get the street door open because the key was taken out, and they came up swearing about the key, and asked me about the key; I told them I did not know where it was, I supposed they had it.

What did they do when they got in with the arms?—They handed them out into the street.

How many came into the shop?—I suppose about twenty came into the shop.

What quantity of arms did they take?—I cannot take upon myself to say that; at my solicitor's there is an account of the quantity of arms.

How many did they take in your opinion?—I suppose thirty or forty guns, I dare say between forty and fifty pair of pistols, swords of different kinds, and dirks.

Mr. Justice *Bayley*.—You cannot say how many swords?—No, I cannot, if I had known this had been wanted, I could have sent to my solicitor for it.

Were there two or four or five?—More like about three dozen, I am speaking within compass; there were dirks and pikes.

Lord *Ellenborough*.—What sort of pikes?—A long staff with a piece of iron at the end.

Mr. Justice *Abbott*.—Was there any powder or shot?—There was four pounds of powder which they took away, and they took some bags of shot and some flints.

Mr. *Martin Brander* cross-examined by Mr. *Wetherell*.

About four pounds of powder?—Yes.

Do you deal in powder as well as in fire arms?—Yes; most of the gunsmiths sell gunpowder, that is, sporting gunpowder, the Dartford gunpowder.

There were about four pounds?—Yes.

Did they take any bullets out of your house?—A great many, I suppose they took of small shot and pistol shot, about two hundred weight.

Before they began to break into your house, how many people were there round it?—I cannot tell.

Were you not in the house at the time?—Yes, on the ground floor.

Did you not look out up stairs to see how many there were?—No, we had not time; we had but time to get the house closed before they came: a person came and informed me that they were coming.

Then you had not time to go to the upper parts of your house, to see how many people there were collected?—No.

When this young man had been let in at the fanlight?—He was not let in he got in.

Then they began battering down the shop windows?—Yes, more than they did before; they were knocking at them before, then they got some strong muskets, some military muskets, they were, in that way, three or four of them, banging against it.

After they had got these arms, did you go out of the house to see what they did with them?—No, we kept in our house.

How long were they banding these things out of your house?—I suppose they were about five and twenty minutes from their commencement to their departure, and when they had got some of the muskets out of the shop, they used them to smash the windows.

Did you see them fire off arms in the air?—They did that before they attacked our shop.

Something like a *feu de joie*?—Yes, something of that kind, they did no harm to any body, unless the balls fell on somebody at a distance.

Did they attempt violence to any human being?—No.

There was no firing at any living being rational or irrational?—No, nothing of that sort that I know of.

Lord *Ellenborough*.—Did not I understand you to say that they stood with arms over Mr. Potts?—Yes, the young man who came in first.

There were others in your shop?—Yes, a score, I dare say.

Mr. *Wetherell*.—Was there any personal violence offered to you or your partner after they had got the arms?—No, only he followed my partner all about with his pistol.

How many *feu de joies* did they fire off after they got the arms?—Fourteen perhaps.

Mr. Justice *Bayley*.—Do you mean rounds or shots?—Fourteen shots fired.

Mr. *Wetherell*.—Together or at different times?—At different times; from the time they came till they went away; I dare say there were as many as that.

Did not these people appear after they had got the arms as if they did not know what to do with them?—It is obvious they did not know what to do with them, when they were loaded up to the very muzzle, and little pebbles and bits of stone put in them, and a little knee buckle in one of them.

When they had got those guns, your journeyman desired them to give them up?—Yes, and they chucked them into the shop through the windows that were broken; there was one pistol burst and blew a man's finger off.

Did you chance to see any female rioters?—No, we were in the counting-house; between our shop and our counting-house is a long bench and a window; and they broke the window and took out of the counting-house those which were there; I said to them, "why you will knock all the glass to pieces."

You seem to be a very good-humoured man, I dare say you kept your temper very well?—Yes, I thought it was of no use being out of temper, or get harm.

You took it very good humouredly; I dare say you took it very patiently?—Yes, there was no getting assistance, therefore it was of no use.

Did you go afterwards towards the Tower?—No; but one of our young men came in, and I sent him out at a narrow passage, the door being shut, and so down to the Tower to let the governor know what they were doing, and to request he would send us a score of men, and he sent word back—

Mr. *Solicitor General*.—Never mind that; you sent for a score of men?

Mr. *Wetherell*.—By a score you meant twenty?—Yes.

Did your lad ask for a score particularly?—My lad was to ask them to send up any men they could.

Half a dozen red-coats would have done I should think?—I fancy that would have done.

You think half a dozen red-coats would have done?—I have no doubt but it would.

Having sent to the governor for some red-coats to come up, you do not seem to have had any curiosity to go and see how the Tower stood afterwards?—From the answer sent back, I did not conceive there was occasion; that the Tower would be well taken care of.

You did not go to see any attack upon the Tower?—No; I had enough to do to take care of my house and the things in it.

The ladies were in the house perhaps?—Yes, they were.

I have no doubt that they took it with as much good humour as you did?—I do not know that they did.

Mr. *Martin Brander* re-examined by
Mr. *Attorney General*.

When you sent for these score of red-coats, upon your oath did you think this was good humour, that this was a scene of good humour? your shop being plundered of arms, did you think this was an ebullition of good humour among a parcel of good-humoured men?—Certainly not; and I have not said I was particularly good-humoured myself.

My reason for asking the question is, that this has been represented as a scene of good humour at your house; when you sent for the red-coats, did you suppose that the persons attacking you were making an exhibition of good humour?—Certainly not; I conceived that they came to our house for the purpose of procuring arms.

For what purpose?—What their intention with them was, I did not know; I conceive if we had procured soldiers from the Tower, that as they had to get over a place of this height [about three feet] twenty of them might have kept them out.

Mr. *Attorney General*.—I should not have asked this, but that it was put as a scene of good humour.

Mr. *Wetherell*.—I never put it as a good humoured thing to break open a man's house; but whether he did not bear it with good humour.

Lord *Ellenborough*.—I wish there were not these observations between the counsel.

Mr. *Attorney General*.—I conceived you to go further than that.

Mr. *Wetherell*.—It is a gross misrepresentation of what I said; I never said any such thing, and it is very much like an intended misrepresentation.

Mr. *Attorney General*.—Really, Mr. *Wetherell*, I will not have that said.

Mr. *Wetherell*.—I have been very rudely attacked; and I will return rudeness with rudeness.

Mr. *Attorney General*.—I understood your question to be put in the way in which I stated, and therefore I asked that question; but I never will receive the assertion of making a gross misrepresentation of what passed, without stating to those who may tell me so, that such a representation is totally without foundation, whether the representation is made for the purpose of attacking me, or whether the representation is made for the purpose of producing an effect upon the surrounding multitude I cannot tell, but no such accusation shall ever be made upon me in a court of justice without my repelling it.

Mr. *Wetherell*.—I have been charged with saying that it was a good-humoured thing to break open a man's house; I am in the judgment of every man in the Court whether I did not ask the witness merely whether he did not bear it with as much good humour as he appears to possess now.

Mr. *Justice Abbott*.—[to the Witness].—You added something about a narrow passage?—There was a railing outside of the shop, and therefore I thought that a few persons standing without side, might have taken those within; or if they were within side, might have kept others out.

I understood you to say that they could not get out of the shop without getting over rails?—Yes.

Therefore you say very few persons could have kept them out, or when they were within, have prevented their getting out?—Yes, without a doubt.

Lord *Ellenborough*.—When the men broke into your house, and one man got over the fanlight, was it not a subject of very serious alarm to you?—No doubt.

Do you mean to represent it now as not having been a subject of very serious alarm, and of very great injury to you?—A very serious alarm; and it was a very great inconvenience to me: I was obliged, in consequence, to keep my men on without any thing to support them.

What number of men had you there?—Our men were all gone to dinner at the time; there was nobody in the house but Mr. Potts and myself; when some of my men returned, they got in to see whether they could be of any use.

Mr. Justice *Abbott*.—They were all absent?—Yes.

That will enable you to fix the time, knowing at what time your servants go to dinner?—Some of them go at half-past twelve, and some at one.

Do you think this was after one?—It was about a quarter after one, I conceive, or twenty minutes after one.

Mr. *Thomas Rea* sworn.—Examined by Mr. *Attorney General*.

I believe you are a gunsmith in the Minories?—Yes.

Is your house situate higher up the Minories, towards Houndsditch, or towards Tower-hill, than Messrs. Brander and Potts's?—It is nearer Tower-hill than Messrs. Brander and Potts's.

Were you at home on Monday the 2nd of December?—I was.

At any time between one and two o'clock in the afternoon, did you see any persons in the Minories that induced you take any steps?—I did.

Describe what you saw?—First, a person called in the shop and said—

In consequence of what any person said, describe what you did?—I saw persons shutting up their shops; and I saw a large mob before Messrs. Brander and Potts's shop: I then, with the assistance of my servant, locked my shop, put up the shutters and bars, and every thing the same as when it is closed at night.

After you had done that, did any thing happen in the house?—I went up stairs into the garret, and looked out of the window, and saw a large mob coming to my door; they rushed over, broke the bars from the window, broke the windows, glass and casement, and stripped the shop to a very considerable amount indeed.

Of what did they strip your shop?—Fowling pieces, muskets, swords, pikes, and every article in short that was in it.

Were those things taken only from the windows by the persons from the street, or did they get into the shop?—They got into the shop, destroyed three desks, and broke the windows of my parlour.

Where did the windows of your parlour look to? into the shop?—The windows of my parlour looked into the Circus.

What was taken from your shop?—About seventy or eighty fowling pieces; seventy or eighty pair of pistols, of different kinds, pocket and holster; about twenty pikes, and about thirty swords, of different kinds.

Any thing else?—Nothing I believe else.

What became of you?—As soon as I got into the garret, I immediately got out at the trap door, and went over the leads, and down through the house of a neighbour just by.

Was there any thing in your counting-house?—There was some money; there was seven pounds in one counting-house, and thirty shillings and sixpence in another; and there was a quantity of silver for gun-furniture unmade up.

I do not know whether you observed the proceedings of these people afterwards?—I went, immediately, as I got from the corner house, home to my family, who live at a little distance.

You do not live there?—I do not live there; I have my breakfast and dinner there.

Mr. Justice *Abbott*.—Mr. Hall as stated this, and that the house is let to Mr. Hewson.

Mr. *Attorney General*.—He has my lord.—Did you see any of the proceedings of these people afterwards?—No; I went home, and in about half an hour I was informed by one of my servants—

Mr. *Thomas Rea* cross-examined by Mr. *Sergeant Copley*.

You left the house immediately?—Yes, I did, as soon as they entered the house.

What became of those arms which were taken you do not know?—No.

You speak only of the breaking open the house and taking the arms?—Yes; I speak to the taking of the arms; but by whom I do not know. I know some of the arms were picked up again; and there was an officer took a gun from a man.

Where were these arms picked up?—In the Minories, rather higher than where I saw them.

Arms of every description?—Fowling-pieces, pistols, swords, and a three-pounder.

How long was that before you saw it?—It was in coming to my shop, about half-past two, I took one from a man.

How soon after the attack?—About three quarters of an hour.

You returned to the shop, and found a great number of these scattered about the street?—Various of them were.

Had the troops been there at that time?—The troops were there before I got back.

Did you see them there?—They had come down before I returned to my house.

What became of the people?—They stood gaping about the place, a good many of them did.

I do not know whether I understood you right; there was an officer there?—There was an officer there took a gun that was stolen from my shop to the police office; a steel-mounted gun.

Where was that taken?—In Alie-street.

Mr. Justice *Abbott*.—Did you see him taken?—I saw the gun in his hand, and went to the police office.

What description of officer was it?—A police officer.

Did he pick it up?—He took the man into his custody who had it.

Were there several other persons there?—There were several others there; but he was the only one that had a gun.

Were there other persons there?—I cannot tell who belonged to the mob; there were other persons about.

Do you know whether the man who was taken by the officer had picked up the gun?—He said he had picked it up; but he is transported.

There was a brass carronade?—Yes.

That was taken from your shop?—Yes.

That was in the open shop?—Yes, a three-pounder.

Mr. Thomas Rea, re-examined by
Mr. Attorney General.

Before you returned to your house, after you had left them, the military came up?—Yes.

The mob was dispersed?—A great mob was round the house when the soldiers were there, when I went down, and continued so all night.

Were the arms thrown away then?—Yes, they were.

Somebody had been taken with a gun of your's in his possession; that was taken to the police office?—Yes.

Did the soldiers remain there long?—The soldiers remained there all night and the next day.

There were a good many people about?—There were: the mob continued all night and next day pretty well: the soldiers went away, I believe, on the evening of the next day.

Mr. Sergeant Copley.—This is new matter my lord, which has come out; you say the soldiers remained there all night?—Yes.

And a number of persons remained there who were not soldiers?—Yes, a great number.

What were they doing?—Walking about and conversing with one-another.

And looking on?—There was not much to be seen when it was dark.

The soldiers were there?—Yes, with their horses.

Was any attack made on your house afterwards?—No.

There was no act of violence committed afterwards?—No.

Did the persons who remained there conduct themselves peaceably?—Yes.

All you mean to say is, that there were soldiers and persons brought by curiosity?—There were soldiers came to protect the premises; and there were a number of people walking about and inspecting the premises, and going up the hill, and up the Minories: the soldiers were keeping them as distinct as possible.

Mr. Attorney General.—The soldiers were there to protect you?—Yes.

Not as the object of attraction?—No.

Mr. Justice Bayley.—Did you lose any powder and shot?—I lost about three hundred weight of small shot, and one pound of powder, which was all I had got in the windows.

Did you lose any bullets?—I cannot take upon me to say that I lost any bullets.

Were there any in the way?—I always had some in the shop; and there might be a bag with a small parcel in it.

Were any left behind?—No; all that were in the shop were taken away.

There was three hundred weight of small shot?—Full three hundred weight; it was scattered about in the street.

Mr. John Middleton sworn.

Witness.—My lord, I understand I have been called during my absence; I went to Charing-cross and was detained a few minutes going into the exhibition at Spring Gardens. Mr. Hobhouse has been pleased to say, I have been the most unruly witness he has had to do with. I am quite convinced I am undeserving of that character.

Lord Ellenborough.—He has not told us that.

Mr. Topping.—We will talk about that tomorrow; at present we will proceed with the evidence.

Examined by Mr. Topping.

Where do you live?—In Skinner-street.

Skinner-street, Snow-hill?—Yes.

Did you live there on the 2nd of December last?—I did.

What distance is Mr. Beckwith's house and shop from yours?—I should suppose about a hundred yards, about ten or twelve houses between them on the opposite side of the way.

Were you at home about the noon of that day?—I was.

At your own house?—I was.

Did you see or hear any thing done at the premises of Mr. Beckwith?—I saw a number of persons pass our house, who went to Mr. Beckwith's.

When you say numbers, what do you suppose the numbers were?—I should suppose there must be two or three hundred altogether; but a very considerable number of them were women and children, who took no part except following; perhaps eighty or a hundred who appeared to be the mob.

They passed your house?—They did.

Did they go down to Mr. Beckwith's?—They did so.

Did you see, amongst that mob, any of the persons you see now in court?—I saw John Hooper; he is the only one I recollect.

Did you observe any thing particular about Hooper?—He wore a cockade in his hat.

Can you describe to us what that cockade was?—A cockade of narrow ribbon, of two or three colours.

Was there a flag carried by any person in that mob?—There was.

What kind of flag was that?—It was a flag also of three colours, with an inscription in gold letters upon it.

Does that appear to you to be the flag? [showing it to the witness.]—I have no doubt it is; it was similar to that.

In what part of the mob did you see Hooper?—I should perhaps explain, that the mob passed our house, towards Mr. Beckwith's, and stayed there some time; myself and my

partner went up into the balcony of the drawing-room, and watched the mob taking arms, as I suppose. I heard one or two shots fired; the mob came back and stood just opposite our house.

Your house is nearer Newgate-street?—Yes, opposite St. Sepulchre's church.

When they returned before Mr. Beckwith's, as you understood, demanding arms, you had changed your situation and gone up stairs?—Yes.

Had you an opportunity of seeing the mob again?—Yes; they stationed themselves for three or four minutes exactly opposite to our house, and seemed to be consulting.

Did you see Hooper in the mob that halted before your house, and appeared to you to be consulting?—Hooper either carried a stick or a sword. I believe a stick; but I am not positive which, and appeared to me to have the direction of the mob.

Why do you say that he appeared to you to have the direction of the mob?—Because he waved his stick several times. He went to Mr. Beckwith's house, and during the time of their conversation, there was a great shout at Mr. Beckwith's house.

A shout from the mob?—Yes, from the persons in front of Mr. Beckwith's house; those who were consulting before our premises returned to Beckwith's.

That shout having been made by the persons opposite Beckwith's house, the mob who appeared to you to be consulting returned to Beckwith's?—Yes, they returned to Beckwith's demolished the windows, and handed out a considerable quantity of arms.

This man waved his stick in the direction of Beckwith's house, before the mob returned thither?—Yes; he did. I also feel pretty certain that he took the flag in his hand during the time of consultation.

Lord *Ellenborough*.—How did he move the stick?—He moved the stick in different directions, as if pointing out to the mob; when a shout was made by the mob, he pointed to Beckwith's house, and went with the mob.

Lord *Ellenborough*.—Where did he go with the mob?—Towards Beckwith's house.

Mr. *Topping*.—The mob that was before your house in a state of consultation, as it appeared to you, returned and joined the mob that were there?—Yes; before they could have reached the front of Beckwith's shop, I heard the windows broken. I have no doubt they joined those who were there, and they remained there a few minutes.

Whilst the mob were opposite your house, you have told us there was a flag there?—Yes.

Do you recollect whether Hooper did any thing with that flag?—I think he took it for a minute; but I cannot be quite decided on that subject. He was talking to the person who had the flag.

After the windows of Mr. Beckwith's house had been broken, and the guns taken away,

did the mob pass your house again?—They did.

Your house is nearer Newgate-street than Mr. Beckwith's?—Our house is three doors from Newgate-street; Mr. Beckwith's is much lower down.

Did the mob pass your house, and go along Newgate-street?—They did; charging and firing their pieces in a very disorderly manner.

Charging and firing their pieces as they went along?—Yes; so much so, that we considered it prudent to get away from the balcony.

You considered it prudent from a regard to your safety to get within doors?—Yes.

Did you see the flag pass the door?—I did. I remarked to my partner, that I thought it was a duty—

Mr. *Wetherell*.—I must object to that.

Mr. *Topping*.—I do not wish to hear it. Did you observe Hooper pass your door with the mob?—I did so.

Mr. *John Middleton* cross-examined by
Mr. *Wetherell*.

I think you said you saw Hooper point with a stick?—Yes.

Had there been a shout before that from the mob?—Hooper turned towards Mr. Beckwith's house; and they held a consultation in the large open space between our house and the church, and there was a shout? and they then returned to Mr. Beckwith's house.

There had been a shout at Mr. Beckwith's house, before Hooper returned?—Yes.

Did you hear a crash at Beckwith's house before Hooper returned?—There was one piece fired during the time of their being at Mr. Beckwith's house, in Mr. Beckwith's house, and then there was a shout from some people I believe in the house, and from some on the outside.

Had you heard the crash at Mr. Beckwith's house before Hooper got back?—I think they must have begun to demolish the windows before he got back.

The demolition of the windows made a noise?—A great noise.

Did you see them go back to Mr. Beckwith's house?—I did not trace them all the way back.

Was there time enough for Hooper to have got back?—Perhaps not before the commencement of it.

Then the noise of the crash occurred before he got back?—I think probably so.

You have said you feel pretty certain you saw Hooper with a flag?—I feel pretty certain that he did take it; but I cannot swear that positively.

Lord *Ellenborough*.—You have no doubt about his person; about his being there?—Not the least.

Mr. *Wetherell*.—You were examined at the Old Bailey?—I was.

On the trial of Cashman and Hooper?—There were three or four in one indictment; Hooper was one, I think.

Did you give this evidence against Hooper?—I think if you compare it, you will find it is very much the same; I have never compared it, nor thought much of it since.

Were you examined at Hicks's-hall?—No; I was not examined at Hicks's Hall.

Mr. Attorney General.—My lord, in these cases where there are so many witnesses, some will be going away: I find a gentleman is now in attendance who was intended to have been called as to another part of the transaction which we have gone into; perhaps it would be with as little interruption that we should take his evidence now as at any time.

Mr. Edward White sworn.—Examined by Mr. Attorney General.

Were you at the Royal Exchange, or near it, on the 2nd of December?—I was in the private parlour at the Mansion House when the account was brought to the lord mayor, that the rioters were coming down Aldersgate-street into the city.

In consequence of that, did you go to the Royal Exchange?—Not immediately; I accompanied the lord mayor, and sir James Shaw first of all, with the intention to meet them in their way from Skinner-street.

Where did you first see the mob?—When we got to Lad-lane, we met an officer who told us the mob were gone towards the Mansion House; upon which we did not walk, but ran back with the hope of getting to the Mansion House before they reached it.

Where did you first see the mob?—Coming down Princes-street, next to the Bank making our way to the Mansion House; the mob was then passing Princes-street.

Were there a good many persons?—A great many; the head of the mob had passed before we reached the end of the street.

On which side of the Exchange did the mob go first?—The mob in general appeared to me as if they were passing the Royal Exchange towards Threadneedle-street; but on a sudden they made a turn, and went through Sweeting's-alley towards the Bank.

They must have passed the Royal Exchange then before they turned?—Yes.

Then they went towards Threadneedle-street?—Yes.

Cornhill is on the south side of the Exchange?—It is.

What did the mob do when you saw them there?—I made my way as soon as I saw they were taking a different direction through the body of the Exchange; and immediately on the lord mayor and sir James Shaw reaching that part, we rushed forward and seized the flag, and the person who bore it, and proceeded to take it towards the Royal Exchange for security.

Was the mob carrying a flag?—Certainly; it was seized in the middle of them.

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When the flag was seized, what became of them then?—I cannot say that my observation extended farther after that; for I was principally engaged in securing the person who carried the flag, and the flag itself. I was anxious to get it into the Royal Exchange, lest a rescue should be attempted.

Was there any person in the mob whose person you knew?—Not one whom I knew at that time, I have seen a person since that was in the mob.

Did you see any person taken?—Yes, certainly; the person who carried the flag I assisted in taking.

Did you see any other person taken?—I did not.

Did you observe whether any body had any arms?—Certainly; I wrenched a double-barrelled gun from one person myself, and attempted to strike him with it but he moved his head, and got out of the way of it.

Did you see whether any other persons had arms?—Yes, there appeared to be a good many arms amongst them.

Of what sort?—They were principally fowling-pieces, I did not observe any muskets; there were two or three pieces fired at the same time that I seized the man.

Did you see who fired them?—No, I did not.

Were there any other pieces fired that you recollect?—There was, while I endeavoured to shut the Exchange gates, and the lord mayor had his foot on the bolt, there was something fired between our legs, that was while we had got it shut and were fastening it; they put the muzzle underneath the gates, and the contents, whatever they were, which I do not know, passed between our legs.

Did you see any person secured?—No, I did not; I then, on its being thought necessary to call the military, volunteered to go and fetch them.

You volunteered to go for the military?—Yes; there was no person in the Royal Exchange but a marshalman, whose dress, I thought would mark him out to the mob, as a city officer, and therefore I volunteered to go and fetch them.

Did you go and fetch the military?—I did go.

Did you see any thing more of the rioters after they left the Royal Exchange?—I did not, when I returned with the light horse, there appeared to be no violence, there was then great degree of quietness prevailed.

Mr. Edward White cross-examined by Mr. Sergeant Copley.

Where did you find the military?—In Gray's-inn-lane.

In what part of Gray's-inn-lane?—The Light Horse Volunteers' stables.

What number did you find there?—I think fifty of the seventeenth lancers, I cannot speak to the exact number, but I believe that was the number.

O

Was there any artillery there?—I did not see any.

You did not look?—I did not.

Your object was only to deliver the message and come away?—My object was, to bring them, and that was an object of some difficulty, having no credentials; there was a gentleman who knew me and that was the only thing that effected it.

Who suggested going to the light-horse stables?—The lord mayor, but he did not tell me they would be there, but that lord Sidmouth had informed the lord mayor they would be in Worship-street.

You did not find them there?—No; I then hired a horse and galloped away to Gray's-inn-lane.

You met the mob at the north end of Sweeting's-alley?—Yes.

There were only the lord mayor, sir James Shaw, and you, and two or three others, all unarmed?—Yes.

You made an attack on the man having the flag?—Yes, as being the most prominent.

Was there any resistance?—There was an attempt made by one man who was seized by the collar, he said he would not be taken; that was the man who had the double-barrelled gun, I seized that and attempted to strike him with it.

There was no resistance except the man whose collar you seized?—No.

There was no resistance on the part of the man who had the flag?—Only begging he might be permitted to go, saying he had had it only a few minutes in his hand.

Was there any general attack upon you by the mob?—Certainly not, I believe they had not time, it was done in a moment.

You left the lord mayor and sir James Shaw in the Exchange?—Yes.

When you came out did you find the people there, or were they, to a considerable degree, dispersed?—No, they were not dispersed.

Where were they at that time?—I saw them pretty nearly in the same situation: I went out at the south door of the Exchange, and passed down Finch-lane, in order to avoid being noticed particularly by them, and when I came into Threadneedle-street, I perceived a body of them there.

What were they doing then?—They appeared to me to be moving about there with a man on horseback riding, and I took a few steps to ascertain whether he was the leader, and if he was, I should have taken him off; but I thought it was better upon the whole to go on for the military.

When you returned with the military did you find any mob?—There were a great many people there, but it was perfectly quiet.

There was no mob then?—Nothing like what it was when I went away.

Did you ride with the military or behind them?—I rode at the head of the military with the officer.

Had you any means of ascertaining whether

this man on the horse was connected with the mob?—I cannot say that, he seemed to be twisting his horse about.

Whether he was requesting them to disperse you do not know?—There seemed to be no appearance of his requesting them to disperse.

Lord Ellenborough.—There appeared to be no appearance of his attempting to disperse the mob, or you would not have thought of seizing him?—Certainly not.

Mr. Justice Abbott.—You and the lord mayor, on consulting on the spot, thought it expedient to call in the military?—My lord mayor was good enough to ask me whether I did not think that it was expedient to call in the military, and I said blood having been drawn, and fire arms used, I thought it was time to call in the military.

Mr. John Hodgetts sworn.—Examined by Mr. Topping.

Were you in the Royal Exchange on the second of December?—I was.

What time of the day was it when you were there?—I think about one o'clock.

Was there any mob of people there at that time?—Yes, there was on the north side where I was.

Of what number do you think that mob consisted?—It was a separation from the main body, I suppose there might be about an hundred or an hundred and fifty at that particular part.

Was there a larger body elsewhere?—I had seen a larger body previously before the Mansion-house.

Were there any guns firing at that time?—There were guns and pistols.

Were those guns and pistols fired by the mob?—It appeared to me to be so, and I retreated from that part of the mob in consequence.

You retreated from that part of the mob that had been near?—Yes.

Did you see any of the persons now in the court among that mob?—I saw the middle man.

What is his name?—I understood at the Old Bailey it was Hooper.

You took him into custody?—I saw him very active in the mob, and I seized him by the collar, and took him into the Royal Exchange; the lord mayor was the next person I saw.

Seeing him active in the mob, you collared him, and took him within the Exchange?—Yes, I did.

Was the lord mayor within the Exchange?—He followed me immediately.

Having taken him into the Exchange, did you search his person?—Not immediately.

You did search his person?—I did in about five minutes; I saw the butt-ends of two pistols under his coat, which I took from him.

You observed a brace of pistols where? between his shirt and his waistcoat?—No, between his coat and his waistcoat; I had hold of him here, his coat was buttoned.

Did you take them from him?—Yes.

What kind of pistols were they? have you got them with you?—I gave them into the office at my lord mayor's; they appeared to be what we call horse pistols.

Did you deliver them to a person called Richard Stephens?—I do not know the man's name; I know his person.

[Richard Stephens was called into Court.]

Is that the person to whom you delivered the pistols?—No; it is not.

[Daniel Cartwright was called into Court.]

Is that the person to whom you delivered the pistols?—It is.

Before you delivered them to him had you ascertained whether either or both of them were loaded?—I ascertained that one was loaded with ball by drawing the wadding; when I struck it on the ground, the ball came out, and I put it in again.

You delivered the two to Cartwright?—I afterwards delivered them to this man.

Daniel Cartwright sworn.—Examined by Mr. Topping.

Did you receive a brace of pistols from the witness, Mr. Hodgett's?—I did.

Have you those pistols, or did you deliver them to some other person?—I have not the pistols; I delivered them to Stephens.

The pistols delivered to you by Hodgett's you delivered to Stephens?—Yes; after drawing one of them.

Before you delivered them to him, had you ascertained whether either of them were loaded?—One.

In what way did you ascertain that one was loaded?—I looked to see whether it was primed; I wiped the priming out.

As matter of caution you wiped the priming out?—Yes; and then I knocked it on the stones of the Royal Exchange, and then these three slugs came out [producing them.]

Those three slugs were in one of the pistols delivered to you by Mr. Hodgett's?—Yes.

Mr. Justice Bayley.—[to Mr. Hodgett's.] Was that you drew loaded with ball, or slugs?—With ball.

Mr. Justice Abbott.—Did you put back the bullet into the pistol?—Yes, I did.

And the wadding?—No; I rammed it down merely to deliver it up to the lord mayor.

Richard Stephens sworn.—Examined by Mr. Topping.

Did you receive that brace of pistols from the witness beside you, Mr. Daniel Cartwright?—I did.

That is what you call a horse pistol; is it not?—Yes.

Mr. John Hodgett's cross-examined by Mr. Wetherell.

When you took Hooper, you did not see the

pistols, but afterwards found them inside his coat?—Yes.

He made no attempt to draw out either of his pistols against you?—No.

Did he surrender himself to you immediately?—Yes; he said "let me go," when I got into the Royal Exchange.

He made no resistance?—No.

He offered you no violence?—None.

You led him withinside the Royal Exchange?—Yes; and he then asked me to let him go, saying he should not run away.

Having said he would not run away, what did you do with him in the Royal Exchange?—I held him four or five minutes, till an officer came; I believe this was the man; there was confusion; gentlemen were running about, and trying to shut the doors.

Were you obliged to keep your hand upon his collar, or did he stand near you?—I stood in this direction, till the door was shut.

You have stated to me that you saw one mob of about an hundred; and that the larger mob were towards the Mansion-house?—Yes.

And that they were firing guns and pistols?—Yes.

Do you mean firing them into the air?—I heard the report; I saw some of the flashes in the air, most assuredly.

From what you saw, were the pistols pointed to go into the air?—I saw some guns which were; I cannot say as to pistols.

Did you see any gun levelled at any body?—No.

You saw, then, only guns fired into the air?—Yes; I retreated, certainly.

You retreated in consequence of seeing the mob, and that there were these guns and pistols?—Yes; intending to avoid them.

You did not retreat in consequence of seeing a gun or pistol levelled at any body?—No; certainly not.

Did you attend at the Mansion-house when Hooper was taken to the Mansion-house?—No; I attended at the Mansion-house some days afterwards.

Do you know, in point of fact, whether Hooper was dismissed at the Mansion-house?—No.

Did you give evidence as to Hooper at the Mansion-house?—Yes; I identified him there, and also at the Old Bailey.

Did you state against Hooper then the evidence you have given here?—As nearly as I can recollect.

Were you examined at Hicks's-hall?—No.

Mr. John Heyward sworn.—Examined by Mr. Solicitor General.

Do you recollect seeing a mob on the 2d of December last?—Yes.

Where did you first see them?—Coming up Newgate-street.

Were you coming up Newgate-street?—No; I was going along Newgate-street from the Bank.

Which way were the mob going?—Towards the Bank.

Did you afterwards follow them to the Minorities?—Yes.

Were you present in the Minorities at the time the gunsmiths' shops were attacked and broken open?—I was.

Whereabout were you at the time the shops were attacked?—At some distance from the mob.

Where were you?—On Tower-hill.

One of the gunsmiths' shops we understand is very close to Tower-hill?—Yes.

You observed them breaking open the gunsmiths' shops?—Yes.

Did you observe any person coming from them towards Tower Hill?—I did.

Had that person any arms with him?—He had a sword or a cutlas.

Do you know who that man was?—I have a recollection of him.

From your recollection of him, whom do you believe him to be?—The man in the blue jacket. [*Thistlewood.*]

This man nearest the warder?—Yes.

Was he in the same dress that he is in now?—No.

How was he then dressed?—He had a great coat on, and top boots.

You say you saw this man come from the mob; where did he go?—He came towards the Tower, towards the railing which surrounds the Tower.

That is the railing next the Tower?—Yes.

What did he do when he got there?—He put his foot upon the railing, and flourished his sword to the Tower, and said something to the soldiers.

Whereabout were the soldiers?—They were on the ramparts.

What was it he said to them?—I cannot recollect the exact words.

As nearly as you can recollect, what was it he said?—He offered to make the privates captains and to double their pay, in case they would come and join them.

Did you hear any more?—No.

That was what you heard?—Yes.

How long did he remain there?—For a short time.

What was the occasion of his going?—From what I could see from the bustle coming up the Minorities, the troops were coming.

What did he do upon that?—He put his hanger or cutlas, or whatever it was he had in his hand, under his coat, and went away.

He put it under his coat to conceal it?—Yes.

Which way did he go?—He went towards Mark-lane; that way.

Away from the Minorities?—Yes.

Away from where the soldiers were coming?—Yes.

Had you seen that man before in the mob?—No.

Mr. John Heyward cross-examined by Mr. Sergeant Copley.

What are you?—A stock-jobber.

Were not you once connected with the Courier Newspaper?—Yes; I was at one time the publisher of it.

How long is it since you had anything to do with the Courier newspaper?—Two or three years I should think.

Do you mean to swear you have not had any thing to do with it for these three years past?—I will not swear to the exact date; I am sure I have not had these two years.

You had a brother, I think; had not you?—Yes.

What has he to do with the Courier newspaper?—I had one; I have not now.

Mr. Solicitor General.—What can this have to do with the matter?

Lord Ellenborough.—It may conduce to something; standing merely by itself, it has nothing at all to do with this case: but it may be made to bear.

Mr. Sergeant Copley.—He has no brother now; I will not follow that. What carried you to Tower-hill?—Looking after the proceedings of the mob.

Did any person send you?—No.

You went of your own accord?—Yes.

What induced you to go and look after the proceedings of the mob?—More from curiosity than any thing else.

Where did you first see them?—Coming up Newgate-street.

You followed them all the way from Newgate-street?—No; I ran very fast to the Bank, and informed them that the mob were coming.

Whom did you tell?—I think Mr. Dawes.

When did you first tell this story you have been telling to day?—I dare say the same night or the same day.

To whom did you repeat it, will you tell us one of them?—Yes; I mentioned it to a Mr. Bent the moment I got home.

Who is Mr. Bent?—He lives at Stangate, just across the water.

You say you believe you mentioned it to him, will you swear you mentioned it to him that night?—Yes.

All you have now told us?—Yes.

Where were you standing when this took place?—On Tower-hill, against the railing, in front of the ditch.

This was the speech that was addressed across the ditch was it?—Yes.

Who was near this man at the time?—There were two or three came from the mob at some distance, I do not think there was any body close to him.

But he by himself went up to the railing and addressed the soldiers in this way?—Yes.

That the privates should be made captains?—Yes.

Who was there beside yourself?—No one

with me that I knew, there were others standing round.

There was no mob there at the time?—No.

Where were the mob at that time?—At the gunsmith's on the hill.

Did you go to the lord mayor and mention this?—No.

Did you mention it to any magistrate?—No.

Did you go to Mr. Litchfield and mention it?—No; I was sent for by Mr. Litchfield.

When did he send for you?—Last Tuesday week, I think, I had the notice.

Last Tuesday week was the first time you were sent for?—Yes, I had a note from Mr. Litchfield with a subpoena.

You followed the mob from curiosity for the purpose of knowing what their proceedings were, and you went to the Bank and saw Mr. Dawes.—Yes.

After bearing this speech, you never went to any magistrate nor to the lord mayor?—No.

Nor to the Solicitor for the Treasury?—No.

But you mentioned it in casual conversation?—Yes, in casual conversation.

Is there any person here to whom you ever mentioned it, have you seen any person in attendance to whom you ever mentioned it?—No.

Had you ever seen that man before?—No.

Have you ever seen him since?—Yes.

When?—On Saturday-week.

Where did you see him?—In the Tower.

How long was that after you had seen Mr. Litchfield?—I had not seen Mr. Litchfield.

How came they to find you out so as to send to you?—I imagine through persons hearing me say so, that it got to the ears of the Solicitor I can form no other conclusion.

You went a week ago to the Tower; when you went to the Tower, did they not tell you you would see the man there?—They told me I should see a man of the name of Thistlewood.

Did they tell you you would see the man there that did this?—No.

But the person that they suspected to be the man?—Yes.

Thistlewood, when you saw him, was pointed out to you as being by himself?—Yes, he was in the room, the warder was with him, or somebody.

You knew which was the warder of course?—Yes.

You were aware of the person you came to see?—I knew him when I came into the room.

There was only that man?—There was only he and the warder.

Did they not tell you you should see that man?—They told me there was Thistlewood there, and I should go and see him.

What was the reason you never went to the lord mayor and mentioned this? as you took the pains to go to the Bank and inform Mr. Dawes, why did you not go to the lord mayor?

—I should never have troubled my head about it if I had not been summoned, I mentioned in private company, as a thing very extraordinary, what I had seen there.

Did not you know that public examinations were going on, and had been going on for a very considerable time with respect to these proceedings?—Yes.

That Mr. Litchfield was trying to get information in every quarter?—I did not know that Mr. Litchfield was trying to get information till I received the note from him.

Did not you know that the lord mayor was sitting day after day, shortly after this circumstance happened, for the purpose of obtaining information as to all the proceedings which took place on that day?—Yes.

And although you had traced this mob all the way from Newgate-street to the Tower, and had heard this at the Tower, you never went to the lord mayor to communicate this which you had seen?—No.

And there is no person in attendance to whom you ever communicated this?—Not to my knowledge.

It struck you as something very extraordinary at the time?—Yes.

It struck you as very singular that a single man, with a sword in his hand, should be haranguing the fortress?—It did.

And those inquiries going on, and you knowing those inquiries, never went near the lord mayor to give him information upon the subject?—No, I never did.

Give me the precise address to Mr. Bent?—Mr. Bent, at the Mitre, Stangate, Lambeth.

Now do not let me misunderstand you, you mean now, upon your oath, to say that you communicated it to Mr. Bent, the very night that it happened?—Yes, I did.

Mr. John Heyward re-examined by
Mr. Solicitor General.

At what distance were the mob at the time the man said this?—They were at the shop, I think it is Mr. Rea's.

That is no great distance?—No.

Mr. Justice Bayley.—Were the mob in sight?—Yes, they were.

Mr. Gurney.—Mr. Rea's house has been stated to be three doors from Tower-hill?

Mr. Sergeant Copley.—You say the mob, at that time, were at Mr. Rea's; that is in the Minories, is it not?—On Tower-hill.

Is it not in the Minories?—Where I stood on Tower-hill it lies to the left.

Is it not in the Minories?—You may call it either the Minories or Tower-hill.

Mr. Justice Abbott.—Brother Copley you will find it was a corner house.

Mr. Sergeant Copley.—I understand it is not the corner-house.

Mr. Justice Abbott.—Mr. Hall said it was.

A Jurymen.—I understand it, my lord, to be the corner of a small street.

Mr. Gurney.—Not the corner of Tower-hill, but the corner of a narrow street. Mr. Hall said it was three doors from Tower-hill, and that the mob were partly on Tower-hill, and partly in the Minories.

Mr. Justice Bayley.—You are right, I have it so exactly, I see.

Thomas Edmonds sworn.—Examined by Mr. Gurney.

Are you a private in the Coldstream regiment of guards?—Yes.

On Monday, the second of December, were you on duty in the Tower?—Yes.

Did you hear any alarm on the approach of the mob?—Yes.

Upon that did you look towards the Minories?—I was ordered on the parade.

Before you went to the parade did you look towards the Minories?—Yes.

Did you observe any person come to the rails at the edge of the Tower ditch?—Yes; towards the rails.

Did that person address any thing to you and the other soldiers in the Tower?—Yes.

What did he say to you?—He called out "Soldiers open the gates we will give you an hundred guineas."

At that moment did you receive orders to go any where?—Yes, on the parade.

And you quitted?—Yes.

And you heard no more of it?—No, I did not.

Thomas Edmonds cross-examined by Mr. Wetherell.

What part of the Tower were you on? were you standing upon the wall or the parapet of the Tower?—On the ramparts.

Were you going along that part of the rampart that faces the Minories?—Yes.

There is a bastion of the Tower that enfilades the Minories?—Yes, this is about half-way along; it is between the two great batteries.

One bastion looks up the Minories?—Yes.

And one looks towards Tower-hill?—Yes.

You were walking here when somebody addressed you?—Not me particularly, he called "Soldiers."

How many were there?—There was me there, and another man further on.

How many yards wide was the space?—I dare say fifty.

How many feet of water?—I do not know.

How many yards high are the walls of the parapet of the Tower?—I suppose four feet.

How far is the height of the wall from the water?—I cannot say.

Fifty yards?—I dare say it is.

Across this broad ditch, to you walking on this parapet, between these two bastions, this speech was made?—I was inside.

Where did the man stand who made this speech?—About the middle of Tower-hill, down by the railing.

There are some trees there, are there not?—No; there were no trees where he was standing.

A hundred guineas?—Yes.

Did he say any thing further to you?—He did not speak particularly to me, but he called out "Soldiers."

To you and your comrade?—My comrade was not with me, he was further on; we were both going to the parade.

How much of your head and shoulders can be seen above the parapet?—About a foot and a half.

Could they see you unless you were standing in the embrasures?—Yes, they can see any body walking along between the batteries.

Are you quite sure that when any person was walking along there they could see, except at the embrasures?—I am sure they could see me.

I dare say you give a very fair account, soldier; but do you mean to say that any person could see you?—Yes, we could see over the wall.

You must get up over the rampart, or something of that kind for them to see you?—Yes, that is the way they generally walk round the Tower.

How much of you would be seen above the —?—I suppose a foot and a half.

The top of your belt might be seen then I suppose?—I suppose it might.

Was the other soldier with you in such a situation that he could be seen?—He was not with me, he was on before me, I cannot say exactly where he was.

When this man was making this speech to you, did you stop?—I went on as fast as I could to the parade.

You gave no heed to it?—No; I went on as fast as I could.

And your comrade too?—Yes.

You did not stop to hear this nonsense whatever it was?—No.

Where did you go when you had heard about this hundred guineas?—On the parade, where I was ordered before that.

Was there any conversation about it?—I made mention of that which I had heard, not to any one in particular, but to all that were standing about.

Was that all that he said to you?—That was all that I heard.

Were there several people about him, or was he standing alone?—There might be twenty or thirty running all ways on Tower-hill.

Passing backwards and forwards?—Yes.

Did he come down close to the rails?—Yes, he was close to the rails at the time I heard him speak.

How long might he be standing and making this harangue?—I cannot say, for I did not stop to hear, I was going on to the parade.

Do you recollect any person coming down to the Tower to ask for military assistance to go up towards the Minories?—No, I do not.

Lord *Ellenborough*.—I wish to put another question to Heyward.

Mr. *John Heywood* called in again.

Lord *Ellenborough*.—When did you mention this to Mr. Bent? on the same day?—I did.

Was there any other person, whose name you can state, to whom you mentioned this recently after that time?—There were several in the room with Mr. Bent; but I cannot recollect their names at the time I mentioned it.

Mr. Bent will probably recollect who his company were; where was it?—It was at the sign of the Mitre, at Stangate; there were several in the parlour when I came back.

Do you recollect any body else to whom you have mentioned it since that time?—I have mentioned it to so many, that I cannot say indeed.

You are sure you have mentioned it?—Yes; Mr. Ensor of the Bank of England, I recollect I have mentioned it to; he is in the Cheque-office, in the Bank of England.

Any other?—No, I do not recollect any other at this moment.

Thomas Darlington sworn.—Examined by Mr. *Gurney*.

Are you a private of the 2nd Coldstream?—Yes.

Were you on the ramparts of the Tower on the 2nd of December last?—Yes.

Did you hear the alarm of the mob coming?—Yes.

Did you look towards the Minories?—Yes.

Did you see any man near the edge of the ditch?—Yes.

What had he in his hand?—A sword.

Drawn or undrawn?—Drawn.

Where was he standing?—The first time I saw him he was walking towards the Tower, he stopped against the rails.

What did he say?—He said "Open the gates, soldiers, and let us in; and every man shall have a hundred guineas bounty, and double pay."

What more did you hear him say?—That he did not take the soldiers to be his enemies, but his friends; that they had been fighting for the rights of their country and could not have them.

Mr. Justice *Abbott*.—Did he say they had been fighting for the rights of their country, or, that who had?—They.

Mr. *Gurney*.—Do you mean the soldiers or he?—The soldiers.

He said you, I suppose?—Yes; that the soldiers had been fighting for the rights of their country, but could not have them.

Were you under orders to go to the parade?—Yes.

Were you proceeding to go to the parade?—I was going to my room for my things to go down to the parade.

And you heard no more?—No; I heard no more.

Thomas Darlington cross-examined by Mr. Sergeant *Copley*.

Where was Heyward at that time? you know Heyward?—I do not know Heyward.

Where was Edmonds?—He was not along with me.

Do you know where he was?—I do not.

Who was on the ramparts with you?—I cannot say; I was in a hurry to go to my duty, and did not notice.

Who was with you?—There was a sentry; but I do not know who it was.

Do you know whether Edmonds was the sentry or not?—I do not; the sentry was on his post; but I did not take notice who he was. I had to run past several sentries to get to my own place to get my sword, but I did not notice any one of them.

When had you been sent into the Tower?—I never stood sentry in the Tower in my life.

When had you been sent into the Tower?—On the 25th of February we went into the Tower.

This was the 2nd of December; how long had you been in the Tower?—From the 25th of February to that time.

The 25th of February before that?—Yes.

You say you were going to the parade?—I was going to dress myself to go to the parade.

Did you go to the parade?—Yes.

Who was the officer on the parade?—Captain Bentinck was the adjutant on the parade; I do not know that he commanded. The whole of the officers were called to the parade as well as the men.

Had any regiment come into the Tower the day before?—Not that I know of.

Was there any more force in the Tower than was usual?—Not that I know of.

I take for granted you communicated this immediately to your officer?—I made mention of this on the parade to the non-commissioned officers, and it was mentioned to the serjeant-mayor, and I was brought to the justice about it. The serjeant-major sent for us in consequence of its being reported.

You did not stand to hear this conversation?—No; after I had heard what the man said, I hurried on to my duty.

Who the man was, you do not know?—No; the distance was so great I do not know who the man was.

Was he by himself?—No; there was a mob of boys round about the man when he was speaking at the ditch.

Can you tell us about what number there were?—No, I cannot.

Were there thirty or forty?—I dare say there might be; I cannot say.

There were enough to amount to what you call a mob?—I do not know what a mob is; there might be a mob of boys about that number.

Just now you said there was a mob of boys?—I will tell the truth as far as I can.

Was there or was there not a mob of boys

round at the time he was addressing you?—There might be about thirty or forty boys about him.

Are you quite sure of that fact of there being thirty or forty boys about him at the time when he addressed you?—There were boys about him, and I dare say there might be that number; but I did not count them.

In your judgment there might be that number?—Yes.

Did you see any body else?—No.

Any body with arms?—No.

Did you see any appearance of any person, except these boys?—No; I had not time to look for none.

And you saw none?—No.

Lord *Ellenborough*.—The Court will not be able to proceed any further this evening. The business of the term having been in some degree suspended by this trial; one of my brothers must be at chambers this evening, and will be in Court at eight o'clock to-morrow morning to hear motions, previously to the trial proceeding.

A *Juryman*.—My lord, may I speak to any of my servants in the hearing of an officer? I mean on business.

Lord *Ellenborough*.—Certainly, gentlemen; the Court does not wish, nor does the law require, that your private affairs should be injured by your serving on the jury. It would be too great a privation to prevent your seeing the members of your family on necessary business; you will take care to have an officer present.

A *Juryman*.—Certainly, my lord.

Mr. Justice *Bayley*.—The oath taken by the officers, I believe, is, that they will not suffer you to be spoken to on the subject of these proceedings.

A *Juryman*.—All we can wish, my lord, is to give directions on our private affairs, in the presence of an officer.

COURT OF KING'S BENCH.

Wednesday, 11th June, 1817.

[James Watson was set to the bar, and Arthur Thistlewood, John Hooper, and Thomas Preston in the seats immediately behind.]

Charles Miell sworn.—Examined by Mr. *Solicitor General*.

I believe you are one of the horse-patrole belonging to the public-office at Bow-street?—Yes.

Were you on duty on Monday night, the second of December, near Highgate?—Yes.

On that night, did you see three men walking?—Yes.

About what hour?—About eleven o'clock.

In what direction were they going?—Towards Finchley.

Whereabouts did you first see them?—Against the church at Highgate.

Did you speak to them?—Not till after they had passed me.

Then you spoke to them?—No.

What happened?—Two watchmen were standing against the church-railing, and I was on the left-hand side of the road the prisoner at the bar passed me on the right-hand.

That is Watson?—Yes; I had received an information a week before of three footpads.

You had received some information which induced you to observe them?—Yes.

What did you do?—I told the watchmen—

You must not tell us what you told the watchmen, but what did you actually do?—I turned my horse's head and told the watchmen to come with me.

Having done that, what did you do then?

—I observed that the three persons who were walking along the footpath on the right-hand side of me, seemed to be taking very particular notice of me, and that they rather made a stand, as if they were like confused or something of that kind.

What did you then do?—I turned my horse's head and went back and got rather before them, I rode up to the prisoner at the bar which was the front man, and I said, "gentlemen, I beg your pardon, but where are you travelling to," the prisoner at the bar replied, "to Northampton." I told him it was a late hour of the night to be travelling so near London.

Lord *Ellenborough*.—What hour was it?—Eleven.

Mr. *Solicitor General*.—What then passed?—I said, "I suppose you know what I am, gentlemen, I am a horse-patrole belonging to Bow-street."

Mr. *Wetherell*.—This is conversation.

Mr. *Solicitor General*.—Yes; with the prisoner Watson.

Witness.—The prisoner at the bar takes a bundle up from under his right-arm and holds it up to me with his right hand, instead of my taking hold of the bundle, I passed my left-hand into the breast of his coat, and I caught hold of the butt-end of a pistol; I drew the pistol from the prisoner, and told him that if he offered to move, I would blow his brains out.

Where were the two watchmen at that time?—One of them was close to my horse's heels, the other I did not observe.

Having said this, what did you do?—I told the watchman to secure the other two.

That watchman, who was near your horse?

—Yes; the other was not there.

Upon you saying that, what was done?—The watchman took his rattle and ran back; I cannot say how many yards, but he ran back from my horse's heels and sprung his rattle;

the other two persons who were with the prisoner, drew a pistol a-piece from their pockets behind, they had great coats on.

Having drawn their pistols, what did they do?—One of them pulled the trigger.

In what direction was the pistol?—He was making a retreat to go behind me, they could not go in front of me, my horse's head was so close to the wall.

How was the pistol directed?—Close to my side.

To whom was the pistol pointed?

Mr. Justice *Bayley*.—Was the pistol directed towards any body?—Yes; they were both pointed towards me, and one of them pulled the trigger.

Mr. *Solicitor General*.—Did the pistol go off?—No; the powder in the pan did not catch.

What did the other persons do?—They ran away.

Was either of the pistols fired?—Not at that moment.

Mr. Justice *Abbott*.—Did only one of them run away, or the two?—The two.

Mr. *Solicitor General*.—What was then done?—By the watchman springing the rattle, and the other watchmen running out from the Red-Lion, there soon came four or five people, two young men—

They came out to your assistance?—Yes; hearing me call out stop thief, and one of them says, "damn you patrol, why do not you ride after them?" I said, "here is a prisoner at my left-hand and I cannot go." They said, "we will take care of him." I asked the landlady whether she knew the young men, she said she did, and I might leave the prisoner with them, and then I rode off to proceed after the other men.

Lord *Ellenborough*.—The landlady told you you might safely leave the prisoner with these young men?—Yes.

Mr. *Solicitor General*.—You proceeded after the other two?—Yes; about two or three hundred yards I pulled my horse up, and I thought I heard a scuffle from where I went from, I turned my horse and came back, when I came back, the prisoner and the two persons I had left with him were all on the ground together, struggling.

Before that, had either of the persons who ran away, fired a pistol?—Before I went away.

Before you went after them?—Yes; before I delivered the prisoner into their custody they ran away, and the moment that the two persons came out to my assistance, one of the pistols went off.

At the moment when those persons came out of the public-house?—Yes.

When you returned and found those persons struggling, what did you do?—I got off my horse directly, and secured the prisoner.

Had the prisoner at that time any thing in

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his hand?—I saw something bright, and I took hold of the handle, one of the persons whom I had left in charge, had got hold of this in the one hand, and the prisoner had got hold of the other.

Of that instrument which you have in your hand?—Yes; a dirk from a walking-stick; one of the young men I left him in charge of, had hold of the blade trying to wrench it from him.

You assisted in securing him?—I took him into the public-house.

After you had taken him into the public-house, did you search the prisoner?—Momentarily.

Instantly?—Yes.

What did you find upon him?—I found some papers.

Is that the pistol which you took from the prisoner? [showing it to the witness]—Yes.

Look at these papers [showing them to the witness]; are these the papers which you took from the prisoner?—They are.

Did you, before you parted with the possession of them, make any mark upon them?—I did.

Having searched him, did you ask him his name?—I did.

What answer did he give?—He told me, that his name would be well known at Bow-street.

Did he tell you his name?—No, he did not.

Did you say any thing more to him, or he to you, when you were in the public-house?—No, not at the public-house, I did not.

Where did you convey him?—Down to Somers-town watch-house.

Immediately?—Yes.

In your way to Somers-town watch-house, or at Somers-town watch-house, did he say any thing?—He said that he had been in the city, that he had been at the Spa-fields meeting.

Did he say any thing more about the city, or what he had been doing there?—Not to me then.

In your hearing?—No, not in my hearing.

Did he say where in the city he had been?—Towards the Tower he said he had been; I asked him whether he had been in the place where the riot was, in Skinner-street; he said no, he went through East Smithfield: that was the next morning that he said that.

Where was it he told you this?—When I was going to Bow-street with him.

You said something about towards the Tower?—Yes; that he had been through East Smithfield and away down to the Tower.

Did he say any thing more about the Tower?—No, he did not.

Did you examine the pistol which you had taken from him?—I did.

Was it loaded?—It was.

With what?—With powder and balls.

Did he say any thing about the pistol?—No, he did not; he observed, though, at night, that it was very unfortunate that he had the pistol in his breast, that it should be observed.

Did he say any thing more about it?—No, he did not.

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Lord *Ellenborough*.—Had you observed the pistol before you felt it?—No; his coat lay rather open; I had suspicion from the description I had received of the three men of whom I had information.

That induced you to put your hand there?—Yes, it did.

Charles Miell cross-examined by
Mr. Sergeant *Copley*.

It was in consequence of your finding a pistol in his breast that you apprehended him?—Yes.

He knew that of course?—Yes, I should suppose so.

Finding the pistol in his breast, you apprehended him, and carried him to Somers-town?—He walked to Somers-town.

You conducted him to Somers-town and there he remained in custody during the night?—Yes.

Then he said it was a very unfortunate thing that you had seen the pistol in his breast?

Mr. Justice *Abbott*.—Those are not the words.

Lord *Ellenborough*.—That it was very unfortunate that he had a pistol in his breast, that it should be observed.

Mr. Sergeant *Copley*.—He said it was very unfortunate that he had a pistol in his breast, that it should be observed?—Yes, he did so.

That had led to his apprehension, and to his being confined?—Yes.

And you were at that time talking about his detention, and his being confined?—Oh, no.

What were you talking about?—I told him what I detained him for, was, on suspicion of his being one of the characters that had been out in Essex the week before.

I presume that which occasioned your suspicion was seeing the pistol?—Not exactly so; the description of the three men; two short and one tall one was my description.

Seeing the pistol was the reason of your apprehending him?—No, I did not see it.

Feeling it?—Yes.

That the prisoner knew?—Yes.

Did you tell him you suspected him to be one of those characters you had information of being in Essex?—Yes.

Did he know the ground?—When I told him I suspected them of being foot-pads, he seemed very strange, and did not know what a foot-pad was.

This was after you discovered the pistol?—Yes, it was.

Did you give evidence at the Old Bailey on Watson's trial?—No, I did not.

You gave evidence before a magistrate, I suppose?—Yes, I did.

And before the grand jury?—Yes.

How soon was that after he had been apprehended?—I cannot particularly say.

How soon did you give information before the magistrate?—On the next morning.

Did you state before the magistrate all that you have now stated?—Yes.

Who was the magistrate?—Sir Nathaniel Conant.

You say he told you he had not been in Skinner-street?—Yes.

That he went through East Smithfield and away down to the Tower?—Yes.

Were those the precise expressions he used?—Yes.

Did he say any thing more about it?—No.

Did you mention that to the magistrate the next morning?—No.

That was all he said about being at the Tower?—That was all.

Nothing was said about the time he had been at the Tower?—No.

Nothing was said about the time he had been in East Smithfield?—No.

Whether it was early or late in the day did not appear from any thing he stated?—No.

But those words you have stated were the words he made use of?—Yes.

After you had apprehended him, you say you asked him his name?—Yes.

He was at that time in custody?—Yes.

After he was in custody, you said something about his name?—Yes.

He was then completely in custody?—Yes; in the public-house I asked him his name, and again going down Highgate-hill.

Did he know you were a Bow-street police-officer?—He did, I told him that.

He knew that you were going to take him to Bow-street, I presume?—Yes; he told me his name would be well known at Bow-street the next morning.

He knew you were going to take him to Bow-street, and he said his name would be well known at Bow-street?—Yes.

Mr. *Solicitor General*.—We will now read the papers.

The following paper was read :

Committ. P. S.

Sir F. Burdett,	Mr. T. Evans,
Lord Cochrane,	Mr. H. Hunt, Esq.
Mr. A. Thistlewood,	Mr. Hardy,
Mr. J. Watson,	Mr. R. O'Connor,
Mr. Gale Jones,	Mr. Blandford.
Major Cartwright,	

Mr. *Gurney*.—There is another I believe; the names are the same, therefore that need not be read.

Mr. *Solicitor General*.—You will find another paper, beginning, Smiths, Westminster-road.

It was read as follows :

Smith, Westm. Rd. collect ——— and meet form 3 divisions at London	1 { St. Giles— St. in Holborn, broad part of Holborn Barrs. Chancery Lane.
Bridge ——— and proceed to the old man	
Smith West Rd form 3 Div collect men numbers—and meet at London Rdg—where will be met and be lead to the old man	2 { Cary Street. Temple Barr.
Padtn to proceed to St. Gs ^{meet the Ish} _^ barrede	3 { Theobald's Road. Gray's in Lane. Elm Street.
each side to	
to Hilborn ^{Brrs} to meet the Ish	4 { St. John's Street. Old Street Road.
branch off to T. B— barrede Chy Le—Cy Str	5 White Chappel. 6 Tower. 7 Bank. 8 Plty.

Lord *Ellenborough*.—Hand the papers which are read to the jury.

Mr. *Solicitor General*.—The other paper purports to be a letter by a person of the name of Gilbert, addressed to Preston; perhaps it had better be read, it is very short.

Lord *Ellenborough*.—Perhaps the jury had better see the papers now, in order to direct their attention to them.

Mr. *Wetherell*.—I will, with your lordship's leave, look at them after the jury have inspected them.

Lord *Ellenborough*.—Perhaps it may be as well; I will hand to you that which has been handed to me as a copy.

Mr. *Sergeant Copley*.—Mr. Barlow has been so good as to say that he will furnish me with a copy, which will answer my purpose.

Lord *Ellenborough*.—What other paper have you?

Mr. *Solicitor General*.—It is a letter addressed to Preston, found in the pocket of Watson; I do not know that it is material, except as showing that there was a letter for Preston found in his pocket.

Mr. *Wetherell*.—I do not know for what purpose it is offered; the question is whether it is admissible in evidence?

Mr. *Solicitor General*.—Oh, certainly, having been found in his pocket.

Lord *Ellenborough*.—Every letter found in his pocket is admissible, undoubtedly.

Mr. *Wetherell*.—It is evidence against Preston certainly, but not against Watson. I understand the way in which it is put by my learned friends now.

The following Letter was read :

Cock Inn, Wednesday Morning.

MR. PRESTON,

Sir,

Having understood you want somebody

to deliver out Bills, I should be happy to do it, and a friend in distress as well as myself, would be glad to make one too, having had the pleasure of seeing you at the Red Heart, Shoe-lane; if you will have the goodness to call at the Red Heart to-night, or let me know where I can see you, I shall esteem it a favour, being very much in distress, and not knowing where to get a shilling towards my support; if you will have the goodness to give me a job, I shall esteem it a particular favour.

I am, Sir,

Yours Respectfully,
THOMAS GILBERT.

Nov. 27th, 1816.

Directed to

MR. PRESTON.

John Castle sworn.—Examined by Mr. *Gurney*.

You know the prisoner James Watson the elder?—Perfectly well.

Mr. *Wetherell*.—Before you examine him I will take the liberty to ask him, have you had any promise of pardon on condition of giving your evidence?—No.

Mr. *Gurney*.—That does not go to his admissibility.

Mr. *Wetherell*.—I submit that it is a fit question to be asked though it does not go to his admissibility.

Mr. *Gurney*.—If it does not go to his admissibility as a witness I submit it ought not to be put now.

Lord *Ellenborough*.—You will have the opportunity of putting any question you may think proper, to affect the credit due to his evidence on cross-examination.

Mr. *Gurney*.—Do you know Mr. James Watson the son?—I do.

Do you know Mr. Thistlewood?—Perfectly well.

Mr. *Preston*?—Perfectly well.

And Mr. Hooper?—All of them perfectly well.

Which of them did you know first?—Mr. Hooper, John Hooper.

How long have you known him?—About two years.

In what month did you become acquainted with the prisoner, Mr. Watson?—About three weeks or a month before the first meeting in Spa-fields.

That was in the month of October?—Yes; I had seen Mr. Watson before, but did not become acquainted with him till within three weeks or a month before the first meeting in Spa-fields.

At what place had you seen him?—At the Cock in Grafton-street.

Had you frequently before that been at the Cock?—Yes, frequently.

Did any society meet there?—Yes, a society called the Spenceans.

Was it at a meeting of that society that you had seen him?—I had never seen him at any other society but those meetings: the first time I ever saw him was at this meeting.

Had you seen him at the meeting of the Spencean society at the Cock before you became acquainted with him?—I had.

What was the first conversation which passed between Mr. Watson and you?—Mr. Watson introduced himself to me by saying, it was a very easy matter to upset government, conditionally, that it was handled in a proper manner.

Was that at the Cock, or at any other house?—It was at the Cock in Grafton-street.

Did you also meet him about that time at any other house?—He appointed that night for me to meet him the following night at the Mulberry-shop, or the Mulberry-tree, near Moorfields.

The Mulberry-tree, in Mulberry-tree court, in Wilson-street?—I do not know the name of the place precisely, but near Moorfields.

You and he made an appointment to meet there the following evening?—Yes.

Did any society meet there?—Yes; a society of the same kind as at the Cock.

Of the Spenceans?—Yes.

The same night at the Cock, did you see Preston?—I did.

Had you seen him before at the meetings of the Spenceans?—I had.

Mr. Justice *Abbott*.—Your question was, Did you see Preston at the Cock on the same night; to which night do you refer?

Mr. *Gurney*.—The night he met Watson, my lord. Did Preston say any thing to you?—He did.

What did he say to you?—He called me down stairs.

Mr. Justice *Bayley*.—On that night?—Yes, that same night; he called me down stairs, and wished me to meet him in another house, where there is another society held; the name of the

house I cannot recollect, but it is near Fleet-market, where a society of tradesmen met.

What answer did you give to that?—I asked him for what purpose; he told me he was one of the committee, and they were there meeting for the express purpose of doing away with machinery; to petition parliament to do away with machinery.

Mr. *Sergeant Copley*.—Will your lordship allow me to suggest that what Preston says, Watson not being present, with reference to something which is not the object of this conspiracy, cannot by any possibility be evidence? I submit that with great deference my lord.

Lord *Ellenborough*.—It may not be evidence to prove the conspiracy, but we cannot separate the parts; in directing the jury we may direct them to pay less or greater attention to it.

Mr. Justice *Bayley*.—Whether this has or not reference is matter perhaps of evidence.

Mr. *Gurney*.—I should have passed it over but I thought it would take more time.

Mr. *Wetherell*.—Your lordship cannot conceive what may be the end of these conversations.

Mr. *Sergeant Copley*.—Your lordship will see how perfectly irrelevant that is; I have not the answer down.

Lord *Ellenborough*.—To petition parliament to do away machinery.

Mr. *Sergeant Copley*.—I should submit to your lordship, that Watson not being present, and this being a matter totally unconnected with the present prosecution, cannot it be received in evidence.

Lord *Ellenborough*.—It is merely introductory to the evidence.

Mr. *Wetherell*.—We see the object of it, it is merely to let in the Spenceans, which has nothing to do with this business.

Mr. *Gurney*.—Yes, you will see it has a great deal to do with it.

Lord *Ellenborough*.—I think it is admissible as introductory.

Mr. *Gurney*.—Did any thing pass between you and Preston as to the Mulberry-tree?—Yes, he asked me the same as Mr. Watson had done, to meet him at the Mulberry-tree; I told him I had promised Mr. Watson that I would meet him there.

Mr. Justice *Bayley*.—Did he fix the time?—Eight o'clock the next night, the Thursday night.

Mr. *Gurney*.—Did you meet him at the Mulberry-tree the next night?—I did.

Can you give me the time of that or about the time?—It was about three weeks, as nigh three weeks as possible before the first meeting in Spa-fields.

Did you meet both of them at the Mulberry-tree?—I did.

Were there other persons present at the Mulberry-tree?—There were a great many that I did not know; the only people that I knew, was the two Watsons, Preston, Hooper, Mr. Thistlewood, and the two Evans's and Mr. John Harrison.

The two Evans's, father and son?—Yes.

And other persons whom you did not know?—Yes.

After the meeting broke up, with whom did you walk away?—I walked away with the elder Watson.

Had he any conversation with you as you were walking together?—Yes, the same conversation renewed.

Repeat what he said?—He said it was a very easy matter to upset government, conditionally, that it was handled as it ought to be.

What answer did you give to that?—I asked him which way; he told me if there were a few good fellows got together, it was a very easy matter.

Did he ask you any question?—He told me he had drawn a plan of an instrument that would debar the cavalry, that would prevent the horse coming on the mob; he then said that they had got several people, that they had solicited at different houses where they had gone, and that they had got a committee sitting.

That they had got several people at different houses?—Yes, several people whom they could collect together, and that they had got a committee sitting to devise the best modes and the best plan.

What more did he say?—Merely conversation of the same kind; he asked me where I lived—I told him.

Where did you live?—I lived at No. 5, Newton-street, Holborn.

You then lived at No. 5, Newton-street, Holborn?—Yes.

What more?—He told me he would call the next day morning, which would be the Friday, and show me the plan.

Did you then part, or was there any further conversation?—A great deal of conversation; but merely the same conversation, merely about upsetting government; nothing more particular passed on that occasion than what I have stated.

You parted for that night?—I did.

Did you see him the next day?—I did not; he called two or three times.

That is as you heard. Did you see him afterwards?—Yes, the Saturday morning after; he called and I saw him.

Mr. Justice Bayley.—Were you out on the Friday?—Yes, I was.

Mr. Gurney.—You understood him to have called?—Yes.

And on the Saturday you saw him?—Yes.

Are you a married man?—I am.

When he called on the Saturday, did your

wife remain at home, or did she go out?—She went out.

Were he and you alone together?—We were together for about an hour; I desired her to go out.

Lord Ellenborough.—He was an hour with you?—Yes, about an hour as nigh as possible.

Mr. Gurney.—State what passed at that conversation?—He took out several papers, one of those appeared to be a plan of the Tower.

Mr. Wetherell.—We must have some account of this paper.

Mr. Gurney.—I shall hereafter produce the paper found in his lodgings.

Lord Ellenborough.—If he said it was a plan of the Tower, that would be sufficient, but I understood from the opening, that this paper would be produced.

Mr. Gurney.—He produced the plan of the Tower?—Yes; and likewise a plan of the machine which he had told me he had invented himself, which appeared to run on four wheels.

The machine for obstructing the cavalry?—Yes.

It was to run on four wheels?—Yes.

How was it to operate?—With a sharp knife and spikes up.

Something to wound the horses feet?—It was to run on four wheels so as to prevent the horses advancing, there were knives something like a sword on each side, or like a scythe.

Mr. Justice Bayley.—Something horizontal and sharp?—Yes, very sharp.

Horizontal?—Yes, to prevent the cavalry coming in any part of the street.

Mr. Gurney.—Was it to be large or small?—He did not particularly mention the size, but about the size of a common wheel.

A Jurymen.—Cannot you speak to the size, as you say he produced the machine?—No; a paper drawing.

A Jurymen.—I have got it down wrong I see.

Mr. Gurney.—What more passed?—He showed me those papers, and wished me to exert myself as much as I possibly could to get all the people I could together.

A Jurymen.—Did I understand you to say the wheel of the machine was to be a common-sized wheel?—Yes, a common-sized wheel.

Mr. Gurney.—Did he produce to you any other drawing?—Yes, there were several other drawings he produced of the Tower, something like a bridge.

Any drawing of any other place but the Tower?

Mr. Wetherell.—Let us have the whole about the Tower; there was something of a bridge?

—Yes, something like a bridge, and the different entrances and avenues out of the Tower.

Mr. Gurney.—Do you remember any drawing of any other place?—I do not particularly remember any other; there were several others, but I did not take particular notice of them so as to speak to them.

Give us an account of the further conversation?—He asked me how many I could bring; how many I knew; I said I knew a great many, but I did not know whether they would act or no when they were put to the test, but I would exert myself as much as I could, and try and get all I could together; that I had got nothing but what little business I did to live on; he said never mind that, they would do something better for me; that they had got plenty of money for every thing.

You are by business a smith, I believe?—Yes, I am. He said I should do better than that; that they had sufficient money for any thing.

Lord Ellenborough.—That he or they?—That they.

Mr. Gurney.—Do you remember any thing further?—There was nothing very particular more took place that day.

Did you make an appointment to meet that evening?—I made an appointment to meet him the next day morning.

Did you meet him that evening?—I believe we met at the Cock that evening, but I am not certain.

Do you remember meeting him and Preston at the Cock?—Yes; I remember meeting them several times, but I cannot positively say whether it was that evening or not.

About that night did you meet him and Preston, and have any conversation with them?—I really cannot positively say, whether that night I did meet them.

Did you have any conversation with him?—The next day morning I met Watson, the Sunday morning, at eleven o'clock, at one Newton's.

What passed?—Similar conversation took place there; we had something to drink together: we could not have much conversation there, for there were other people in the way at hand; but as we were coming down Drury-lane towards Holborn, Watson told me that they had got a committee, consisting of five, he mentioned the names of Harrison, Preston, Thistlewood, and his two sons—his son and himself, I mean; and that I should be made one of the generals, and head a party of men—party of pike men, and different men, that I should hear more about it in a few days; and that I might consider myself from that time, as one of the committee, and they should not take in more besides myself; that I should make the sixth; and they would not have any more.

Did you make any appointment for any future meeting?—I made an appointment that night to meet him at the Nag's-head, Carnaby-

market, where there was another meeting of the Spenceans.

Will you endeavour to remember whether, before this meeting at the Nag's-head, you had met him and Preston together, and had had any conversation with them together at the Cock.—I really cannot positively say.

Did you meet at the Nag's-head?—Yes.

Who was there?—There was one John Keenes whom I knew; the elder Watson, the younger Watson, Preston, Thistlewood, and the two Evans's.

You do not know whether any thing particular passed there.—Nothing particular.

Did you meet Watson any morning?—I met him the next day morning, the Tuesday morning, I believe it was.

Was that any morning when you went towards Portman-square?—We went to Portman-street barracks, and King-street barracks.

Who went with you?—The elder Watson.

What barracks did you go to?—Portman-street barracks, King-street barracks, and across the park to where the powder is kept—the magazine post, a small magazine.

Mr. Justice Bayley.—Is that in the park?—Yes.

Mr. Gurney.—Do you mean Hyde-park?—Yes.

Was there any other person along with you at this time?—One Skinner was with us.

During the whole of the time of your going to those places?—Yes, during the whole of the time.

Had you ever seen Skinner before?—Yes, I believe I had seen him once or twice at the meetings, but not knowing him, nor having any conversations with him.

What meetings do you mean?—The Spencean meetings.

Before you set out had you had any conversation with Watson, on the subject of your going to look at those barracks?—Yes, to go and look at the whole of the avenues, with a view to seeing which was the best place to set fire to the barracks.

After you had seen the barracks, did Skinner go home with you, or leave you?—He left us in the park.

After Skinner had left you did Watson say any thing to you respecting Skinner?—He did.

What did he say to you?—He told me he thought Skinner had been a much more clever fellow than he was; he intended to have made him an officer, but he found he was a man who had no idea, and not at all calculated.

Did you meet him at Newton's?—I did.

Whom did you meet there?—I met him and his son.

Watson and his son?—Yes; but I did not know that it was his son till afterwards.

Mr. Justice Bayley.—What day was this?

Mr. Gurney.—Do you remember what day this was?—I do not.

Do you remember the day of the week?—I believe it was on the Wednesday.

Was it the day or the evening?—It was in the morning part; I recollect that it was on the Wednesday, on account of the meeting at the Cock being in the evening.

Were the Spencean meetings at the Cock on the Wednesday evenings?—Yes.

At Newton's, at this time were you introduced to any person?—No, I was not.

Did you see any person besides him and his son?—No.

How soon were you introduced to Thistlewood; you say you had seen him at a meeting: how soon were you introduced to him?—I believe it was that day or the day following, I cannot say which.

By whom?—By one John Harrison.

Who was in company besides you and Harrison and Thistlewood?—All three were strangers that I did not know.

Do you mean by Harrison, that Harrison whom you have spoken of as one of the committee?—I do.

What is his christian name?—John Harrison.

Did the strangers outstay you, or did you outstay the strangers?—We outstayed the strangers.

Did any conversation afterwards take place between you and Thistlewood?—Yes.

Mr. *Wetherell*.—He has not said where this was.

Mr. *Gurney*.—Where was this?—At John Newton's.

State what Thistlewood said?—We had some ale, and as soon as there was an opportunity, Thistlewood asked me how much it would take to make a few hundred pikes, and how long it would take me.

You being a smith?—Yes.

By what it would take, what did you mean?

—How much they would come to a-piece; and how short a time could I make them in.

Lord *Ellenborough*.—How long it would take, and what they would cost?—Yes.

Mr. *Gurney*.—What answer did you give him?—I told him it entirely depended upon the size of the iron or steel, or whatever they were made of, and what length they were, being the most convenient and most handiest.

Did any thing more pass about them?—I asked him what length he should want them and what size, he told me about nine or ten inches; he chalked out something with a pencil of the length of them: I told him I thought they might be got for about fourpence or fourpence halfpenny a pound; he then wished me to make him one as a pattern to look at, accordingly I promised him I would.

Did any thing more pass material?—I promised I would make him one; I told him I had got no place to make them in; Harrison replied, that he knew a person that he thought

would lend me the use of his forge for a little while to make one as a pattern.

Did he mention his name?—He did not at that time.

Did any thing more pass?—No further than to meet in the evening; I was to make one as a pattern, and we were to meet in the evening.

Where were you to meet in the evening?—At the Cock, in Grafton-street; we were to meet at Newton's afterwards, but we met at the Cock first.

Lord *Ellenborough*.—Were you to bring the pike to the Cock?—No, not to the Cock.

Mr. *Gurney*.—Where is Newton's?—In Long-acre?

In a court in Long-acre?—Coming into Long-acre.

A public-house?—Yes.

Were you to bring the pike to Newton's?—No; to Randall's or Rensdell's, nearly opposite to Newton's.

Did you go to this public-house kept by Randall, or some such name, opposite Newton's?—I did.

Whom did you meet there?—I met Thistlewood, the two Watsons, and Hooper was there, and Harrison; Preston, I believe was not.

Did you there produce the pike you had made?—I did not make it; Hooper and Harrison went with me to get one made.

Where did they go with you?—To a little shop, in a cellar, kept by a man of the name of Bentley in Hart-street; Harrison had known this man for sometime before.

Do you mean Hart-street, Bloomsbury?—By Covent-garden.

When you went to Bentley, did either of you speak to him?—I spoke to him; I asked him to permit me to make use of his forge, to make a spike I told him.

What did you tell him was the purpose for which you wanted it?—I am not certain whether I told him it was to put round a rabbit warren or a fish-pond.

Some innocent purpose?—Yes.

What answer did Bentley give you?—He told me he would make me one, I told him if he would permit me I would make it; he would not permit that, and he looked out a piece of iron and made it.

Did he make it while you staid?—Yes, he did.

What was done with it?—It was given to me, and I brought it away.

Did Harrison and Hooper stay, or did you remain alone with him?—Harrison and Hooper staid the while it was making, and we came away together.

Did you take that pike in the evening to this house of Randall's?—Yes; in the evening or some part of the day, I think it was the earlier part of the day.

Whom did you meet there?—I met the two Watsons.

Is the name Randall or Rainsell?—I am not certain, it is a name of that kind.

Whom did you meet?—The two Watsons, Thistlewood, Harrison, and Hooper; Preston was not there.

Did you produce this pike?—I did.

What was said about it?—They said it was a very famous instrument.

Who said that?—Doctor Watson.

You call Mr. Watson, Doctor; is he a medical man?—Yes.

Did he go by the name of Doctor with you?—Yes, he did.

Did any thing more pass between you particular?—Not any thing more, particular; we met in the evening at the Cock.

Did any thing important pass at the Cock that evening?—No further than Dr. Watson took and wrote with his pencil, the name and number of the house the committee had taken, No. 2, Greystoke-place.

No. 2, Greystoke-place, is the house where the committee met?—Yes.

Did you about that time take any walk towards Paddington with either of those persons?—Yes; I had been to Paddington with Thistlewood.

When was that?—The night before, amongst the navigators.

For what purpose?—For the purpose of seeing how many men we could get, with the spirit of them; how many there were out of employ.

Did you go together to any places?—We did.

Public or private?—Public; and we found a great many navigators and treated them with beer.

Who found the money?—Mr. Thistlewood.

Did either he or you make any inquiries?—Did you ask any questions?—Yes.

What kind of questions?—I had seen one of them a night or two before, and had said they were out of employ, and they wished there was to be a good row; that they had rather be killed than starved to death; that was the reason of our going up.

Had you communicated to Thistlewood what passed the evening before?—Yes.

State the words again?—That if there was a good row they would sooner die than be starved to death.

This you communicated to Thistlewood, and that was the inducement to his going with you that night?—Yes, the night before.

When you found the navigators at those public-houses, what questions did either he or you put to them?—It is impossible to say, but he told them we should want them for a job in a little time; it was not told them for what it was.

Of course not?—And that he wished to know how many of them might be collected together in the course of a few hours in case they should be wanted.

What answer did you get?—They said they could get five or six hundred in the course of a very few hours, in the morning particularly,

that there were such a number of them out of employ.

You treated them with beer?—Yes.

After this, did you come away?—Yes, we called at several houses.

Did you after that go into any public house near the theatres?—Yes, we went into a house near Long-acre, which the soldiers use.

Do you mean the soldiers who attend the theatres?—Yes.

How many soldiers did you find there?—They kept coming in and out, I suppose there might be eight or ten altogether, we treated them with half a gallon of beer the first time.

Who treated them with the beer?—Mr. Thistlewood.

Did he ask them any question?—He asked them about their treatment, and what their pay was.

What do you mean by their treatment?—How their officers treated them.

How much beer altogether did he give them?—About half a gallon or three pots at that house.

Did you afterwards go together to any house in Vinegar-lane?—Yes; the Black-Lion, that is used by the soldiers who attend Drury-lane.

That is now called Webber-street?—Yes.

This was at the Black-Lion?—I am not quite certain of the sign of the house.

Did you find any soldiers there?—Yes; about the same number as we found in the other house.

Was any conversation held with them?—Something similar to the first, and also treated them with beer.

Lord Ellenborough.—Who paid for the beer?—Thistlewood.

Mr. Gurney.—What quantity was it?—I think it was a gallon.

Was there any thing which induced him to give more there than he had given at the other house?—Yes; there was a Yorkshireman that spoke rather violent.

Violent on what subject?—Against government.

Was he a soldier?—Yes.

Can you remember what he said?—Not exactly, I cannot: the conversation was about their pay and their bread, and a number of them being discharged and being very ill-treated; being discharged without pensions after fighting so many years for their country.

Who said this?—The soldiers.

There a gallon of beer was given?—I think it was a gallon.

When he and you parted that evening did you make any agreement to meet the next day?—Yes.

Before you parted did he give you any thing?—Before we parted he gave me two three shilling pieces.

Did he give you any directions?—Yes, he directed me to go and do all that I could; to go to the different houses and collect all the people together that I possibly could.

Where were you to meet the next day?—At Newton's I believe it was.

Did you appoint to meet at Newton's the next day?—Yes, I believe it was so.

And the next day at Newton's you did meet?—Yes.

Whom did you meet?—I met Thistlewood, Watson, and Harrison.

By Watson do you mean this Mr. Watson?—Yes.

When you met what passed?—It was merely, to go from one house to another, to collect all we possibly could.

Was that your conversation?—Yes; and to see what we could collect.

For that purpose did you go together or divide?—We divided.

How did you divide?—Thistlewood and me went down to a place they call the Fox under the Hill.

Is that under the Adelphi?—Yes.

A public-house facing the river?—Yes.

What kind of men did you find there?—A great quantity of coal-heavers, and such men as empty boats: people who work upon the Thames.

Mr. Gurney.—By people working on the Thames, do you mean ballast-heavers?—The people who work in barges.

Lord Ellenborough.—Ballast-heavers?

Mr. Gurney.—And porters?—Yes; people who work upon the river.

Did either Thistlewood or you converse with either of them?—Yes; we gave them some beer, and asked them how many there might be of them out of employ, there were ten or a dozen standing round; we told them we might very probably want them in the course of a few days; how many could we have? and they said if we came, especially in the morning, we should find fifty or sixty standing at the avenues of the different wharfs and stairs where they go to empty the barges.

You treated them with beer?—Yes.

Who found the money?—Thistlewood.

Where did he and you go then?—I believe we came up towards the Cock; I am not certain.

Do you remember any thing particular that passed that day?—Nothing particular; only going from place to place.

Did you go to different public houses besides this?—No, not together; I went by his desire to other places.

What did you do at those places?—To see how many I could get together that was out of employ; and if I found any person that was a little more violent than the rest, I was to take down his name and address, and communicate every day, or once or twice a day, to Thistlewood.

How soon did you meet either of those parties again?—I am not certain whether it was not the Wednesday night or not, when they went from the Cock; I was to meet them on

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the Thursday, at No. 9, Greystoke-place: I am not certain which day it was: it was the first day I ever was at Greystoke-place.

Lord Ellenborough.—Was that to be a morning meeting?—Yes, a morning meeting, at eleven o'clock precisely.

Mr. Gurney.—What time were you appointed to be at Greystoke-place?—At eleven o'clock, precisely, in the morning.

Did you go there at the time appointed?—I did.

Did you find the house open or shut?—I found it shut up.

Did you see any person?—When I went up to the door, coming out of the end of the court, I saw Thistlewood walking on the other side of the road.

Greystoke-place is in Fetter-lane?—It is.

You saw Thistlewood?—Yes, walking on the other side of the street; he called me over to him, and said that the Doctor had not come yet, that he had got the key.

Did you and he wait?—That he was always behind his time; yes, we waited.

Did you and he wait sometime?—We waited about twenty minutes.

Who came then?—The elder Watson.

Had he the key?—He had the key and opened the door.

Did you three go in?—Yes, as soon as he opened the door we went in.

Who joined you after you had gone in?—A very few minutes afterwards, Preston and young Watson, which I understood afterwards to be his son, I did not know he was his son till then.

You had seen him before, but did not know him to be his son?—Yes.

Upon what subject did you converse when you were all together?—Upon the best mode and method of setting fire to the barracks, and getting all the men we possibly could together.

Did any thing pass about pikes?—Yes.

What?—The pike was produced there.

The pike Bentley had made for you?—Yes.

What passed about it?—Thistlewood said it was a very famous weapon, and that we would have a quantity made immediately; that we would have two hundred and fifty.

They gave you orders to have two hundred and fifty made?—Yes, to get two hundred and fifty made immediately by Bentley.

Was any thing said about plan? how you were to plan any thing?

Lord Ellenborough.—Was this in the hearing of the others?

Mr. Gurney.—This was a matter of consultation among you all?—Yes, among the five.

You were all the committee there but Harrison?—All but Harrison.

What passed respecting your plans?—There was very little said about the plans till the Sunday following.

Did any thing pass about the barracks that

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evening?—Yes, we communicated that we had been and inspected them; Dr. Watson and me told Thistlewood we had been to inspect the barracks, to see how many avenues there were to be set fire to at one time, that we had thoroughly inspected both the Portman-street barracks and the King-street barracks; both Thistlewood and young Watson had both been and inspected them themselves.

Mr. Wetherell.—How can you know that, you were not with them?—No.

Lord Ellenborough.—If I say in your hearing, that I have been, you may know it from that.

Mr. Wetherell.—He did not say it was said by them.

Mr. Gurney.—How did you learn that Thistlewood and young Watson had been and inspected them?—Thistlewood told me so himself, and young Watson also.

Mr. Justice Bayley.—They told you at that meeting, did they?—They did.

Mr. Gurney.—Endeavour to remember any thing else that passed?—I do not recollect any thing further particular that passed there.

Mr. Justice Bayley.—I have a note, “we communicated that we had been and inspected them, Watson and I told Thistlewood we had been to inspect them, to see how many different avenues there were to set fire to at the same time.”

Mr. Gurney.—Did you say any thing more?—That there were six avenues to King-street barracks, and that there were only two to Portman street.

What passed between you respecting the object of learning how many avenues there were?—That was to learn how much combustible was necessary.

Mr. Wetherell.—Would it not be the better way to ask him what passed?

Lord Ellenborough.—When he has got into the subject; it arises out of the subject.

Mr. Gurney.—Nothing can be more regular I am sure; what passed on the subject?—To see how many avenues there were, that we might ascertain, when we met on the Sunday, how much combustible were necessary to set fire to the different avenues.

Mr. Gurney.—Mr. Wetherell, I must object to that; and I must beg it may not be repeated.—My lord, I submit that gesticulations of that kind [holding up hands as with surprise] are extremely improper.

Lord Ellenborough.—If the thing is noticed to the Court, they must animadvert upon it very severely; that is not a proper way of conducting a cause.

Mr. Gurney.—What day of the week was this?—The Friday or the Saturday.

When did you meet again?—The general meeting was appointed for the Sunday.

The general meeting of whom?—Of the committee of six, to arrange the whole of the business, how it was to be conducted.

Did you meet on the Sunday?—We did.

How many of you?—Six.

All the six?—Yes.

Before you met, had you done any thing respecting the pikes which you were to order?—Yes, I had paid part of the money towards them.

To whom?—To Bentley.

Had you given any orders to him?—Yes, for two hundred and fifty, and had paid him ten shillings in advance to get the iron.

How soon were they to be made?—They were to be made off-hand immediately, as soon as possible.

Had any thing passed at any of those meetings about handles?—Yes, Thistlewood asked Harrison how much.

Do you remember at what meeting that was?—I believe it was at Raisdell's, or Randall's; he asked Harrison or me where it was most likely we could get the handles; Harrison replied that there was a place at the back of the King's-bench where he could get the handles.

There were to be pike-heads fixed on handles?—Yes, fastened at the end to prevent their coming out.

Harrison said there was a place behind the King's-bench prison where they could be got?—Yes, and Thistlewood asked what he thought they would cost a-piece; Harrison said, he thought about threepence or fourpence a-piece, but it depended upon the length of them, what length they were to be.

Now I will come to the meeting on the Sunday morning; you say all six of you met at Greyatoke-place?—Yes, at No. 9.

Proceed to detail what took place between you at that meeting; what took place before you began?—A box or some boxes, which I did not know were there, were fetched down stairs and were made seats of.

You had no chairs?—No, nor no table; there was something like a public-house stool for a table, they were sent for down, and all the rooms in the house searched to see that there was no person to overawe us, to overhear us.

Then you went to business?—Yes.

Had you any map with you?—Thistlewood produced a map of London.

Could you at all say about what day of the month this was; how many days was it before the first meeting in Spa-fields?—It was about a fortnight before, as nearly as I can recollect.

What day in the week was the meeting in Spa-fields?—The Friday.

Then this meeting would be twelve days before?—Yes.

About Sunday the third?—Yes.

Thistlewood produced a map of London?—He did.

What was done ?—It was marked out which would be the best roads to take.

To take for what ?—To take the men, where the men should be collected together, to attack the barracks.

To take the men you should collect together ?—Yes.

The best way for you to collect the parties of your different men together, who you say were to attack the barracks ?—Yes.

Was any arrangement made ?—The first arrangement made, was to assign every man his station.

What station was assigned you ?—For us to be generals.

For whom to be generals ?—The whole of the committee, the six.

You were to be generals and to have your several stations ?—Yes; and every man attack the several barracks all at one time, at one certain moment.

Give us the stations assigned to you ?—Doctor Watson proposed Thistlewood the head general, as he finding the whole of the money.

What was he to do ?—He was to take the two field-pieces out of Gray's-inn-lane, that were in the Artillery-ground in Gray's-inn-lane, Thistlewood and young Watson.

What was Preston to do ?—Preston was to attack the Tower.

What was Harrison to do ?—Harrison was to attack the Artillery-barracks near the Regent's-park, I think it is called St. John's Wood barracks.

What had Harrison been ?—He had been an artillery-man, he had been in the artillery.

Mr. Wetherell.—Does he know that ?

Mr. Gurney.—Had you known that ?—I had heard it from him.

In their presence ?—Yes.

What were you to do ?—I was to set fire to King-street barracks.

Was there any thing else you were to do ?—Yes, to stop at the barracks after I set fire to them, either to take prisoners or to kill, all that might try to escape.

What description of men were you to have under you ?—All sorts that I could get.

How armed ?—With pikes and different weapons we could get.

What was Mr. Watson senior to do ?—To set fire to the Portman-street barracks.

Was it at all arranged or talked of, what materials you were to use for those purposes ?—Such as pitch, tar, rosin, turpentine, or spirits of wine, and sulphur.

Now go on to describe what you were to do ; you have told us the different barracks you were to attack ?—We were to attack at a certain hour all those different places, and set them on fire about one o'clock in the morning, and my persons we met, we were to force and make them join us, such as watchmen, and gentlemen's carriages, we were to take them and make a barricade with them, and take the

horses out, and such as could ride them were to mount them and make a cavalry.

Was it at all arranged where you were to unite your parties ?—Yes ; after I had set fire to the King-street barracks, I was to join the elder Watson after I had seen the whole of the barracks in flames, to see that none of them made their escape ; we were to meet at the top of Oxford-street, near the Park.

Was any other of the party to join you there ?—Harrison was to join us with the artillery he was to get from Saint John's Wood barracks.

What was to be done with the artillery ?—As soon as they joined us, there was to be a volley fired to let them know we had got possession of the artillery.

What was to be done with the artillery ?—There were two field-pieces to be taken into the Park to fire on the artillery in case any of them attempted to come across from Knightsbridge-barracks.

How were those guns to be protected ?—By the parcel of pike-men who were to be left there.

What was to be done next ?—To go down Park-lane and to barricade as soon as we got possession all the Portman-street avenues, to prevent any of the horse coming in, who might be out of quarters.

Where were you to go next ?—Down Park-lane to barricade the whole of the gates leading out of the Park into the lane down to Piccadilly ; the turnpike-gate was to be chained.

You mean Hyde-park-corner gate ?—Yes.

You were to come down Park-lane to Piccadilly-gate, and that was to be fastened and chained ?—Yes ; and a part of the men left there to fall upon the horse if they should make an attack from the barracks.

Mr. Justice Bayley.—Do you mean the turnpike-gate or the gate into the Park ?—The turnpike-gate.

Mr. Gurney.—You were to stop all the avenues from Knightsbridge to Piccadilly, and leave a party to fire on the horse-guards if they should come ?—Yes.

Where were you to proceed then ?—Then we were to proceed down to the bridge towards Charing-cross, and barricade there.

Which bridge ?—Westminster, and barricade all those avenues there, to prevent the horse from coming round from Chelsea and that way ; young Watson and Thistlewood after they had got possession of those guns were to break open all the oil shops to get combustibles.

What guns ?—From Gray's-inn-lane.

What were they to attack the oil shops for ?—The oil shops and gunsmiths' shops or any kind of shops where they could find any combustibles or arms.

And where were they to go to ?—They were to blockade from Gray's-inn-lane, up the left-hand side from Gray's-inn-lane to Saint Giles's where Thistlewood was to make his grand stand.

What part of Saint Giles's?—One gun was to be pointed up Tottenham-court-road, and the other up Oxford-road.

At the corner of the two?—At the corner of the two.

You have before told me that Preston was to attack the Tower?—Preston was to attack the Tower.

Was any other part assigned to Preston in the event of that succeeding or not?

Mr. *Wetherell*.—Will it not be more regular to ask whether any, and what alteration was made in the plan.

Mr. Justice *Bayley*.—I think it is a regular question.

Witness.—Yes; Watson was to leave Thistlewood at Saint Giles's, and barricade on the right-hand side of Oxford-road, to join the other people at the top of Piccadilly, and then barricade all the avenues on the right-hand side as he came up to join the two guns.

Mr. Justice *Bayley*.—He was to go up Oxford-street-road?—Yes, and to barricade as he went along; then they would have been barricaded both right and left.

What was Preston to do?—If he did not succeed in taking the Tower, he was to go to London-bridge, and there barricade the bridge to prevent the artillery coming from Woolwich over that way.

After barricading London-bridge, where were you all to march?—He was then to have barricaded Whitechapel to prevent the troops from coming from the country that way.

And where were you to march to?—And then when he had got a body sufficient, the main body was to meet at the Bank, to which the cant name was given of the Old Lady.

When he had got sufficient what?—Sufficient force.

He was to meet at the Bank?—Yes, if he found he had any to spare, he was to send them to the body that were left at London-bridge.

Where was he to meet the main body?—At the Old Lady, which was the cant name for the Bank; the Tower was called the Old Gentleman.

Was it ever called Old Man?

Lord *Ellenborough*.—The Old Man was in the written paper that was found.

Mr. *Gurney*.—Was it the Old Man or the Old Gentleman?—Sometimes the Old Man and sometimes the Old Gentleman; the Old Gentleman it used to go by.

After this arrangement had been made, did anything pass about those combustibles you have talked of?—Yes, they were afterwards to take and calculate how much they would come to.

Who asked that?—Thistlewood.

Thistlewood asked Dr. Watson to calculate?—Yes, and how much it would take for every avenue.

What you have spoken of, tar-pentine, spirits of wine, pitch, and so on?—Yes.

Mr. Justice *Abbott*.—Every avenue of what?—Of the King-street barracks and the Portman-street barracks.

Mr. *Gurney*.—You say he made a calculation; did he say how much it would come to?—Something short of a hundred pounds, I believe it was, I cannot say distinctly; the papers were destroyed as soon as they were done with.

A *Juryman*.—Something short of a hundred pounds money, or a hundred pounds weight?

Mr. *Gurney*.—A hundred pounds in money?—Yes.

Did Thistlewood make any observation on that?—Yes, he told him not to spare for twenty pounds; "let us roast them well."

Did Watson make any reply to that?—Dr. Watson said it would burn so rapidly, and the stench be so strong, it would stifle them in a few minutes.

Where were the combustibles to be placed?—Young Watson and me were appointed to look after a house the next day morning.

Where?—As high the barracks as we could get it.

Which barracks?—Between the King-street barracks and the Portman-street barracks, that we might get there in a very few minutes.

Were you to take the house as a private house or for a trade?—We were to take it as for a trade.

What trade?—To take it as an oil and colour shop, so that there should be no suspicion on our taking in the combustibles, but what it was for the shop.

What passed more respecting it at that time?—We then were ordered to go the next day morning by Thistlewood.

Were they all present?—They were all present.

Was any thing said about price?—"O never mind the price, as we do not intend to pay for it; take a house at any price we would, as we did not intend to pay for it."

Did Thistlewood say any more?—He gave us orders to go up in the morning; and the doctor, meaning the elder Watson, was to purchase these combustibles.

When was this to be done?—This was to have been done on the Sunday night following. Who said so?

Mr. *Wetherell*.—Give us the date?—I cannot.

Mr. *Gurney*.—This was Sunday the 3rd?—Yes, the Sunday morning about one o'clock, it was to be done at that time, because there being so many people about drunk, they would go great lengths.

The attack was to be on the night of the Saturday and the morning of the Sunday following?—Yes.

A Saturday night was chosen, because there

would be a great number of people about drunk?—Yes.

That will be the night of the 9th and morning of the 10th. You were to go the next morning about a house: was any thing said what was to be done in the house when it was got?—Yes; I was to go and be young Watson's servant, and young Watson was to be the master, and we were to lodge the whole of the ingredients there; and what men we could get together were to bore holes in the handles to put on the pikes.

To fasten the pikes' heads upon the sticks?—Yes.

Was any thing said here about who was to command, or how you were all to command?—Yes, it was fixed who were to command.

What passed, and who said it?—Thistlewood.

What did he say?—That the whole of us were to be chosen, and what command we were to take.

Do you remember Mr. Watson saying any thing?—Mr. Watson proposed me as fourth.

Who was to be first?—Mr. Thistlewood.

Who was to be second?—Mr. Watson.

Who the third?—Harrison.

Then Mr. Watson proposed, you say, that you should be the fourth?—The fourth.

Who fifth?—Preston proposed young Watson, as he being the youngest and nimblest; and he himself being lame, should be last.

Was any thing done about any committee?—It was then arranged that they should appoint a committee called the Committee of Public Safety.

Who proposed that?—Thistlewood.

What was the Committee of Public Safety to do?—They were to have been called together after the disturbance, if we had got the better of the soldiers, or got the soldiers to join us.

If you succeeded?—If we succeeded.

Were any names mentioned for this committee?—Yes.

Who by?—I believe the greatest part; any body that thought of them were to mention them; the greater part were proposed by the elder Watson and Thistlewood.

Do you remember about how many names were mentioned at that meeting?—I think four and twenty.

Will you recollect some of the names that were mentioned?—I recollect a few of them; sir Francis Burdett, the lord mayor, lord Cockrane, Mr. Hunt, major Cartwright, Gale Jones, Roger O'Conner, one squire Fawkes of Barnbury Grange of Yorkshire, a person of the name of Sam Brookes, Thompson on Holborn-hill, and the two Evans's, Watson and Thistlewood.

Lord Ellenborough.—Watson the prisoner?—Yes.

Mr. Gurney.—What was to be done next?—I believe there was nothing very particular.

Do you remember any thing about a procla-

mation?—A proclamation was to be issued immediately as soon as we got the better, that a new government was to be established, and a bounty—

If you had got the better, a proclamation was to be issued, that a new government was to be established, and a bounty?—Yes; a bounty of a hundred guineas, or double pay for life to the soldiers, which they pleased, if they would join us.

Do you remember Thistlewood then making any observation?—Yes: there was an observation to Watson to calculate how much it would amount to, provided they took the hundred guineas.

Who desired Watson to do that?—Thistlewood.

Did he calculate?—He did calculate.

What did he say would be about the amount?—Somewhere about two million; which would be nothing in comparison with the national debt, which would be wiped off.

Do you remember Harrison making any observation upon this plan?—Yes; he said he was afraid when we came to call the people together, we should not find so many as were expected.

What answer was given to that by either of the party?—Thistlewood said he did not mind if he could get two or three hundred men, he was determined to act, for he would not wait longer than Saturday night following, or Sunday morning.

How long did you remain together at this meeting of the committee?—From eleven o'clock in the morning till between about five or six in the evening as nigh as I can recollect; it was light.

This meeting was on Sunday the 3rd?—Yes.

Mr. Justice Bayley.—It was on a Sunday, and as you calculate from what he has said, it would be the 3rd.

Mr. Gurney.—Yes, my lord. Thistlewood said he would act the next Saturday night?—The next Saturday night.

When you parted, what were each of you to do? Was that settled?—Yes; we were to go to different places to see how many men we thought we could get together, and to give in the account to Thistlewood.

Did you then separate for this purpose?—Yes.

A Jurymen.—Who went?—The whole.

All the six?—Yes, to different places.

Mr. Gurney.—You were each to go to different places, and to meet and report to Thistlewood?—Yes.

Where did you go to?—Thistlewood and me went up to Paddington.

To any public-houses?—To the public-houses we had been to before.

Did you find any navigators there?—Yes, several.

What conversation passed?—Similar conversations as before; we gave them something

to drink, and had the same conversations as we had before; we desired them to get together all they could, that we should want them in a few days for a job, but not to tell them what it was; there was a young man spoke rather violent, and Thistlewood desired him to bring any kind of weapons he could; a spike-nail in the end of a stick, or any thing that would run into a fellow's guts.

A spike-nail? A large nail?—Yes.

That you say was addressed to one man who talked rather more violently than the rest?—Yes.

To how many houses about Paddington did you and Thistlewood go that night?—Three.

The same you went to before?—Yes, the three I spoke of before.

Mr. Wetherell.—Give us the names of them.

Mr. Gurney.—Do you know the names of those houses?—I do not remember their names; one of them is the corner of Lisson-street.

Is one of them kept by a man of the name of Smeed?—I do not know; one of them is the corner of Lisson-street or Lisson-green.

Mr. Gurney.—We shall show that to be kept by a man of the name of Smeed. The next morning, Monday, where did you go to?—I believe we were to meet at No. 9, Greystoke-place; I am not certain where we were to meet; it was to give the different reports to Thistlewood.

Did you and young Watson go in search of any house?—On the Monday morning we met at Raisdell's.

Young Watson and you?—Yes; and the elder Watson.

Lord Ellenborough.—Where is Raisdell's?

Mr. Gurney.—It is the place he has mentioned as Randall's or Raisdell's, we do not know where it is; the man has quitted the place. Did you remain there?—We parted, and young Watson and I went up and down the street by the King-street barracks to find a house; we found an empty house that we thought would answer our purpose, I think they called the place Seymour-place, it was as close as we could get one.

Who showed it you, a man or a woman?—A woman; she said she had got the care of it to show it to any person that called.

To whom did she refer you?—To a timber-mERCHANT, a gentleman who lives close by this court.

Do you mean near Milbank?—Yes, a little lower down on the left hand side.

Did you and young Watson go to that gentleman?—I stopped outside while young Watson went in.

Mr. Gurney.—As we shall call the gentleman perhaps, we may as well give the name, it is Mr. Cosser.

Witness.—Yes, that is the name.

When you got to Mr. Cosser's, did you both

go in, or one of you?—Young Watson went in, I stopped outside.

When he came back, did he tell you what was the result of his inquiries?—He told me he had seen Mr. Cosser himself, and he had told him there was fourteen or fifteen pounds to be paid for fixtures, and that he had given Thistlewood's address; that he required a reference, and he had referred him to Thistlewood.

Where did Thistlewood live?—Southampton-buildings, I think they call them.

Did young Watson and you then go to Greystoke-place?—Yes; we went to Greystoke-place.

Whom did you see there?—We met the whole of the committee, at No. 9, Greystoke-place.

Did you report what you and young Watson had done?—We did.

What was said about it by any of them?—Thistlewood said very well, "he should be at home, when would Mr. Cosser call;" young Watson said, "he could not call for two or three days;" Thistlewood said, "if he called for a cheque, young Watson must give him a cheque at eight or ten days;" young Watson had given him his own name—Watson; "and if he wanted the money down for the fixtures, he must draw upon him, Thistlewood."

Did any thing material pass at that meeting that occurs to you?—Yes; I think Preston and young Watson had made their report, or Preston had made his report of what number of people he had had meeting at some house in Spital-fields.

Lord Ellenborough.—Did you say Preston and young Watson?—I am not quite confident whether young Watson did then, but I know Preston did.

Mr. Gurney.—Did any thing more pass about Spital-fields?—He wished as many as possibly could to meet, I think, on the Monday evening, at this house where he had appointed them.

Did you go that evening to this house in Spital-fields?—The whole of us went there that night; the whole of the six; Hooper went then; Hooper had not then joined the committee, but he went.

What house did you go to that night?—I really cannot say; I do not know the name of the house nor the name of the street.

Was it near Spital-fields?—In or near Spital-fields.

Was there a meeting of a great number of persons there?—Yes; sixty or seventy, I dare say; there were more than the room could well hold.

Was there any chairman?—There was.

What was his name?—One Dyll; John Dyll I think was his name.

Did Watson say or read any thing there?—He read something in the form of a petition.

What did he call it?—A petition to present to either house of parliament, or to his royal highness the prince regent, I am not sure which.

A Jurymen.—Watson senior or junior?—The elder Watson.

Mr. Gurney.—With whom did you go home?—We all came home together; but Thistlewood and I walked for some distance together.

As you were going along, did Thistlewood give you any directions?—Yes; Thistlewood found the only outcry of the people was, that they wanted arms; that I was to give further order for two hundred and fifty more, making five hundred.

Lord Ellenborough.—Thistlewood gave you orders to get two hundred and fifty more?—Yes, he did.

I presume you mean two hundred and fifty more pikes?—Yes.

Mr. Gurney.—Did you a night or two after go to Spital-fields again?—Yes, two nights after.

Did you go to the same house or another house?—I went to a different house at first; it was after the meeting had broken up at the first house.

Mr. Gurney.—We will shew what house it was afterwards.

Mr. Wetherell.—What meeting was that which had broken up?—It was a meeting of the same kind, to see what we could get together; the room was not large enough at the first house on the former night; and Watson promised that there should be half a dozen or a dozen of those petitions printed off to be taken to the meetings at the different houses; there were five houses then appointed to meet at; when they met again, Watson promised that the petition should be printed, and that there should be one left at each of those houses for their inspection; that Dyall was to have them.

Lord Ellenborough.—Was this old or young Watson?—Old Watson.

Mr. Gurney.—Then when you went again on the Thursday night, you went to one of those houses?

Mr. Justice Bayley.—He says it was two nights afterwards.

Mr. Gurney.—Was it the Thursday night or any other night?—I cannot be positive that it was the Thursday.

Did you go to the same house?—No, to another house near Brick-lane.

Was there a meeting there?—There was.

What number of persons?—Twelve or fourteen.

Who was in the chair?—Dyall; they read the same petition; those could not be got printed in time; and there were three I believe

written by one Crisp, which was employed by Dr. Watson to write them.

Why had Crisp been employed by Watson to write them?—I was present when he employed him to write them.

You were present when he employed him to write them?—Yes; he wrote part of them at the Cock at Grafton-street.

Dyall read this same petition at this meeting?—Yes, he did.

How many of you were there?—Twelve or fourteen.

How many of your committee?—The whole of them.

Then your committee were six out of the fourteen there?—No, no; there were only three of our committee there, the others were divided to the different houses.

You tell me there were only three of your committee at that house that night, who were they?—There were only two, that is to say, Harrison and me, and Hooper, who had not joined the committee then.

The remainder of your committee were at the other houses?—Yes, they were to take the different houses.

Did you join Thistlewood that night at all?—Yes, I did.

Where did you join him?—At the former house.

At the house at which you had been at a former meeting?—Yes.

Lord Ellenborough.—How did you find your way there?—I went there with Harrison and Hooper who knew the way.

Mr. Gurney.—Did Thistlewood and Harrison and you walk home together?—Yes, we did.

As you were walking along, did Thistlewood say any thing about the number you had met?—Yes, he found himself very much disappointed.

At what?—At not finding so great numbers as had been talked of.

Did he say what number he had found at the house he had been at?—Not particularly.

Did Harrison say any thing to you?—Harrison said they had not got any money to call for any thing to drink; for what little beer we had at the house we were at, we were obliged to pay for ourselves; they had none of them got any.

Did any thing more pass particularly as you walked home?—No, nothing particular, except that Harrison said, "I told you, you would find yourselves disappointed when you came to call them together; if you were to keep perpetually treating them with drink you would have half Spital-fields come."

On Friday did you meet again in Greystoke-place?—Yes, we did.

How many of you?—Six.

Mr. Gurney.—That according to our reckoning would be the 8th; did Thistlewood make any communication to you there?—Yes; he communicated to us then that Mr. Cosser had called upon him.

About what?—About the house.

The house in Seymour-place?—Yes; that he did not know whether he would let him have it or not; but he desired young Watson to go down immediately to get the key to get the ingredients in.

He desired young Watson to go and get the key so as to be able to put in the ingredients?—Yes.

Did he give any directions to him about paying any money?—To go down to Mr. Cosser and to draw upon him for the amount. For what?—For the quarter's rent.

Did any thing then pass about a quarter's rent?—He told him to draw a cheque at eight or ten days, for the money that was necessary for the house on going in.

In the evening, did you see young Watson again with the rest of the party?—I did.

Did he report that he had been to Mr. Cosser?—Yes; he reported that he had been to Mr. Cosser, and that Mr. Cosser made an objection to letting them have it without having a quarter's rent paid in advance, as he thought it was not a house adapted for a business of that kind, being in a new neighbourhood; that Mr. Cosser thought so.

In consequence of this difficulty, did you proceed in taking the house or not?—No, we did not.

On the Sunday after this, did you meet again in Greystoke-place?—We did.

All the committee or part?—The whole of the committee.

Was any proposition then made by Harrison?—Yes; there was a proposition made by Harrison; Harrison said "you will be disappointed when you come to call the people together; I would advise you to call a public meeting, and see how many you can collect together then."

What answer was given to this?—It was unanimously agreed to.

What place was talked of?—Spa-fields; young Watson and Thistlewood went out to look at the ground.

Leaving the rest of you sitting?—Yes, leaving us there.

Did they come back to you?—They came back and reported that it was a very famous place, as it was so near the Tower and the Bank, that they could get into the town and take them by surprise.

Was it settled how the meeting was to be made known?—Yes; Thistlewood says, now Doctor let us draw up a bill.

What sort of a bill?—It was written what should be on the hand-bill or placard.

What was to be done with those hand-bills or placards?—They were to be distributed; the placards to be stuck up, and the hand-bills to be distributed among the lower order of people, the soldiers and the mechanics, and others out of employment about Petty-France and the Borough, and all about London.

What places were mentioned?—In the Borough, amongst all the factories in Petty-

France and up at Paddington and Spital-fields.

Among the lower orders of the people?—Yes; one day going in one direction, and another day in another.

Did any thing pass about any thing you were to have at the meeting?—No.

Any thing about flags and cockades?—Not at that time: the bill was drawn up and was read and was unanimously agreed to, and that it was to be put in the Statesman Paper, I think it was called, as soon as it could.

When was the meeting to be?—On the 15th, the Friday, I think it was the Statesman Paper, but I am not quite certain.

How many hand-bills and placards were to be printed?—There were to be five hundred small ones, and two hundred and fifty large placards to be printed at first out of hand immediately.

Did either of your party go away to get this done?—The elder Watson undertook to get them done; that he knew a printer he had formerly lodged with in Fetter-lane, in Gray's-inn-lane.

In Fetter-lane, or Gray's-inn-lane?—In Gray's-inn-lane.

Did he go away?—He went away and went to this printer.

Did he come back?—He came back, and said the printer wanted some money to go on with to purchase the paper; that he wanted a pound note.

Did any person produce any money upon this?—Thistlewood produced a ten-pound note, and told him to go immediately and give the man some money and to tell him to get the bills printed immediately, and to give me the remainder of the money to pay for the pikes, and to fetch them away.

To give you the remainder of the money?—No; to give me as much as he thought would do to pay for the remainder of the bills and the pikes.

Was the printer's name mentioned?—It was, I think, but I cannot recollect it.

Do you think you should recollect it if I mentioned it to you?—Perhaps I should.

Was it Storer?—It was some such name, but I really cannot recollect exactly.

This was Sunday the 10th?—Yes, I believe it was.

While Watson was gone, do you recollect any conversation that took place?—Not particularly at the present moment I do not, only he was gone some time.

Do you recollect any thing passing about that time about a waggon?—Yes; it was asked who could get a waggon.

Who asked?—Thistlewood; he did not address himself particularly to me, he said who would undertake to get a waggon.

For what purpose?—For the purpose of standing in to deliver a few speeches, which I undertook to do; he asked me what I thought I could get one for, I told him I thought about two pounds or fifty shillings.

Do you remember any thing more, material,

passing at that meeting?—Concerning what we should have, that he would have the true tri-coloured green, red, and white, and that his wife should make it; he asked the Doctor what would be the best motto to put upon it.

He asked the prisoner Watson this?—Yes, he did.

Did Mr. Watson give him a motto?—He took a paper and wrote out what it should be, and in what manner it should be; it was Nature, Truth, and Justice.

Was it the same motto that was upon the flag you afterwards had in Spa-fields?—Yes, the very same.

Did any thing more pass that you remember?—It was appointed that I should carry the flag, being the strongest.

When you parted, did you make any appointment to meet the next morning?—I was desired by Thistlewood to go up to Paddington, and to get half a dozen navigators to come to the Cock in Grafton-street, and to carry these large placards about on their backs, pasted on pasteboard.

Were you to go on that Sunday night?—Yes.

Did you go on that Sunday night to Paddington for that purpose?—Yes.

Did you appoint any navigators for that purpose?—I did.

The next morning, Monday, where did you meet any of your committee?—I met them at No. 9, Greystoke-place.

Before that had you met in Kingsgate-street at a coffee-shop?—I was to meet young Watson and the elder Watson, to endeavour to get the money to go to Bentley's and get the pikes; that was to be at the coffee-shop in Kingsgate-street, at eight in the morning.

For what purpose was it?—To receive the money from the elder Watson to fetch away the pike-heads from Bentley's, and to buy two nail-bags to put them into.

Did you meet the two Watsons, there on the Monday morning?—I did.

Did the elder Watson produce any money?—He gave his son five one pound notes to go to Bentley's with me to fetch away the pikes and to take them to his lodgings at Hyde-street.

Mr. Wetherell.—This was in your presence?—Yes, it was.

Mr. Gurney.—Did you and young Watson go away together?—We did.

Did you purchase any nail bags?—Young Watson went to purchase the nail bags, while I went to Bentley's to get the bill made out.

Lord Ellenborough.—The pikes were with Bentley?—Yes.

Mr. Gurney.—You had ordered them of Bentley but had not received them?—Yes.

How many pikes had he made?—Two hundred and fifty, or somewhere thereabouts.

Did he make out a bill?—Yes, he did.

Did he and you go to any house, or did you go first?—I went to Bentley's house first, then

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Bentley and I came to a wine vaults at the corner of a court leading out of Hart-street into Long-Acre.

Did you there meet young Watson?—Yes; young Watson came in soon afterwards; he was gone to fetch the nail-bags.

Did he produce the nail-bags?—Yes he did.

Where are those wine-vaults?—The corner of some alley.

In what street?—Leading out of Hart-street into Long Acre, I think it is called Leg-alley, but I am not certain.

You say he produced the nail-bags he had bought?—Yes.

Did Bentley produce his bill?—Yes, Bentley produced his bill, and I paid him.

Who gave you the money?—Young Watson gave me the money in the presence of Bentley; and I paid Bentley.

How much was the money altogether for the pike-heads?—Upon my word I cannot exactly say, but I think it was three pound fifteen that was paid after giving me credit for what I had paid before, that was a pound.

Where did you go then for the pikes?—Bentley, young Watson, and I, went all together to his cellar, where the pikes were, and we all three assisted in putting the pikes into those bags.

Where did young Watson and you take them to?—To Hyde-street Bloomsbury.

To whose lodgings?—Young Watson's.

Did they both lodge there?—Yes, they both lodged there so far as I know.

Is it the house of Mr. Banister?—It is a shop, it is the parlour they rented.

Mr. Gurney.—We shall shew the house.

Mr. Wetherell.—Your expression was, for any thing you know; how did you know that he lodged there?—I have been there with them.

Mr. Gurney.—Where were the pikes deposited?—The pikes were deposited under something like a sofa bed or bedstead.

Lord Ellenborough.—Was it a bed of some description?—It was a bedstead.

Mr. Gurney.—Those were the iron parts of the pikes, pike-heads?—Yes.

When young Watson and you had done this, did you go to Greystoke-place?—Yes, we did.

You say that young Watson and you then went to the committee in Greystoke-place?—Yes, we did.

Did he produce the bill and receipt from Bentley?—No, he did not; I did.

To whom?—To Thistlewood.

Did he desire you to do any thing with it?—He desired me to destroy it, which I did immediately.

How did you destroy it?—By pulling it to pieces.

Did you and young Watson inform them you had got the pikes?—We did.

Were you then sent to the printer's for the bills?—The elder Watson and I were.

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You and the elder Watson went to the printer's for the bills?—We did.

When you came to the printer's what passed?—His wife informed us that there was some of them done, but he was not at home.

Did you afterwards see him?—We did.

Who was with you?—The elder Watson.

What did he say?—He said that he had been to some office to make the necessary inquiries; that he was afraid of getting into some trouble by printing them, and had therefore been to some office and had made inquiries whether it was legal to print them or not.

Mr. Justice Bayley. — At what place was this?

Mr. Gurney. — Was this at the printer's that the elder Watson had been at before?—Yes.

Where about is it?—About two or three doors from Fleet-market, going down Leather-lane, Fetter-lane I mean.

In Fetter-lane?—Yes; the back part of his house opens into a court that runs into Fleet-street.

Fleur de Lis-court?—I do not know; I believe it is; we went in at the back-door.

What more did the printer state?—He stated, that he had sometime before got himself into a difficulty.

Lord Ellenborough. — You do not know the name of the printer, do you?

Mr. Gurney. — It is the printer we called, the first witness Storer. What did he say?—He said that he had got himself into a scrape sometime before, by printing something, and that he was afraid; that he had got two hundred printed, but that he should destroy them.

Did he produce any of the bills printed?—He did; he would not let them go out of his own hands.

What was done then?—His wife, and several of us, and there was another gentleman with him; there was young Watson came in and joined us, and we wanted to persuade him to let us have them and cut his name off, so that he should not get into any harm, but he would not let us; he said that what he had printed he should destroy, and that we might take away the other paper, which he had wetted, along with us.

Did you and the elder Watson return to Greystoke-place?—We went to a public-house first, and had something to drink: we were to return to him again; he was to go and consult somebody whether we should have them or not.

Did you return to him again?—I did not, Watson did; and he brought the paper to me.

Watson brought the paper to you to the public house?—Yes.

You found Watson had been to him again, and had not succeeded, and he brought you the paper to the public-house?—Yes, he did.

Did you carry the paper then to Greystoke-place?—I did.

And Watson accompanied you?—Yes,

That is Watson the elder?—Yes.

Did he or you report to the rest of the committee this failure with the printer?—Yes.

Upon that, what was resolved on?—It was resolved that Watson should go immediately up to one Seale, a printer, in Tottenham-court-road.

Mr. Justice Bayley. — Watson the elder?—Yes, Watson the elder.

Mr. Gurney. — For what purpose?—For the purpose of getting, I think, two hundred and fifty worked off immediately, if he paid an extra price for them.

Did he go?—Yes, he did.

Did he return while you were still sitting?—Yes, he did.

What report did he make?—He made a report that there should be 250 ready the next day morning at eight o'clock.

This was the Monday before the meeting?—Yes, it was.

Did he report any thing about sticking those up?—He reported that he had got a man that would stick them up at two shillings and sixpence per hundred.

Lord Ellenborough. — Which of the Watsons, the younger, or the elder?—The elder. Two shillings and sixpence the smaller ones, and four shillings or four and sixpence the large ones; I am not certain which.

Did any thing pass about any persons to be invited to attend the meeting?—Yes.

What?—Sir Francis Burdett and Mr. Hunt.

What passed respecting them?—There was to be a letter written to invite them to attend.

Mr. Justice Bayley. — This was agreed upon at this time?—Yes, it was.

Mr. Gurney. — Was any letter written while you were together?—There was.

By whom?—By the elder Watson.

And sent away?—Yes.

Was any advertisement written?—Yes.

By whom?—By the elder Watson.

For what paper?—The Statesman; I think it was the Statesman; and money was given for the insertion.

What was done with that advertisement?—It was given to young Watson, and money was given to him for its insertion; I think it was seven shillings, by Thistlewood; the first paper that he took it to, refused to put it in; I think that was the Times.

Mr. Wetherell. — Who was present when this passed?—The whole.

Mr. Gurney. — Were you to do any thing about getting the bills distributed?—Yes.

What were you to do?—I was to get the navigators collected together down at the Cock in Grafton-street, the next day morning.

What were they to do?—They were to have large placards on their backs pasted on pasteboards, and to go in different directions to distribute them among the manufacturers and the soldiers.

Lord *Ellenborough*.—Were they to distribute the hand-bills and to carry the placards?—Yes, to have the placards on their backs, and to give away the hand-bills.

Mr. *Gurney*.—Were you and any body else to see that they did any thing?—Yes; we were to see that they did this properly; we were to follow them to see that.

Who were to do that?—Me and Harrison and Preston; Harrison was to follow the bill-sticker to see that he stuck them properly, and me and Preston the Paddington men.

Did you appoint the navigators accordingly?—I did.

On the next day Tuesday the 12th, did you go to the Cock in the morning?—I did.

Were the bills come from Seale's?—No, they were not.

Upon that, did you go to Seale's for them?—I did; and Hooper with me.

Did you bring any to the Cock?—I did.

Placards and bills both?—Yes, both.

Did the men come that you engaged?—They did.

Lord *Ellenborough*.—The navigators?—Yes.

Mr. *Gurney*.—How many?—Six, I believe it was.

What did you do with respect to these six?—Gave them some bread and cheese and porter.

What did you do with respect to the placards?—Thistlewood sent out to purchase some pasteboard.

Thistlewood was there?—Yes; the whole of the committee was there; Thistlewood sent out to purchase some pasteboard and string to tie them on their backs.

Mr. Justice *Bayley*.—Sent out or was sent out?—Sent out.

Mr. *Gurney*.—Were the placards pasted on the pasteboards?—Yes, and tied upon their backs, and then distributed to them as fast as they could be got ready.

They were sent out one by one as fast as they could be got ready?—Yes, they were.

Mr. *Gurney*.—Mr. Barlow, will you just show him the placard.

Mr. *Barlow*.—The larger or the smaller?

Mr. *Gurney*.—The larger.

Mr. *Barlow*.—That is for the second meeting.

Mr. *Gurney*.—I beg pardon, I recollect it is; what orders were given to those people?—To walk very slow, in the populous parts, among the lower orders of the people: they had a shilling each given; they were to stop if they got a crowd round them, and let the people read, and to deliver the small bills out, not to be extravagant with them.

Was any thing said about the sort of people they should give them to?—Such as soldiers and the lower orders of mechanics, such as they saw out of employment; to deliver them into the different factories.

I think you say they received a shilling each at starting?—They did.

What else were they to have?—Another shilling when they returned in the evening.

You say they had had bread and cheese and beer?—They had.

Was that to be their only day's work, or were they to work again the next day?—They were to meet again the next day; I was to follow them, and they were to return to the Cock in Grafton-street in the evening to receive their other shilling and directions for the next day three of them, the three that I was to pay; the other three that Preston was to follow, were to meet him at some house in Spital-fields, where they were to receive their orders, and be paid the other shilling.

Did any other person bring any bills or placards from Seale's?—Yes, the elder Watson brought some.

But any person not of your committee that you remember?—Not that I at this present moment recollect, I did not take any particular notice.

Did you follow the men and see that they obeyed your orders?—Yes.

Who with you?—Hooper went part of the way with me, we distributed them in different public-houses where they would let us stick them up at the same time.

In the course of your walk?—Yes.

Lord *Ellenborough*.—As you have asked to particular placards and papers, I remember evidence has been given of the contents of one of those placards?

Mr. *Gurney*.—Were those placards for the meeting of Spa-fields on the 15th of November?—They were.

Will you show him one of the small ones for the meeting of the 15th of November? [It was shown to the witness.]

Look to see whether that was one of the small bills?—Yes, this is one.

Were the large the same?—No, they were not; yes, they were the same in the words though of a larger size.

Mr. Justice *Abbott*.—That was the one produced by Storer I suppose.

Mr. *Gurney*.—No my lord; that printed by Seale and Bates; it was calling a meeting in Spa-fields for the 15th of November, signed by Dyall as chairman, and Preston as secretary?—Yes.

Lord *Ellenborough*.—It was read in Seale's evidence?

Mr. *Gurney*.—Yes, it was, my lord. In the course of your walk did you and Hooper get to Charing-cross?—Yes; but I was not at Charing-cross at the time; I went by Charing-cross.

Did you hear Hooper say any thing he had done afterwards?—He told me he had jumped over the rails and stuck up one on the pedestal of king Charles, which I afterwards saw there.

Did he tell you whether any person had spoken to him when he was doing it?—He told me that he was interrupted by a person that attends the horses and the hackney coaches there, who told him he could get twenty shillings from him, if he thought proper, for getting over.

In the afternoon you met the men and paid them?—Yes, I did.

At the Cock?—Yes.

Who met there besides you?—Harrison, Thistlewood, the elder Watson; they all came there, afterwards the three men came to be paid.

Mr. Justice *Bayley*.—Where was this?

Mr. *Gurney*.—At the Cock, where the paste-board men came to be paid; the men who had had the placards on their backs. Did you go there again on the next day?—Yes.

That was Wednesday the 13th?—Yes.

Did the navigators come there again?—Yes, they did.

They had the placards put upon their backs, and were sent out again?—Yes.

Did you appoint the committee to meet that evening in Greystoke-place?—Yes, we did.

That Wednesday evening did you all meet, or only part of you?—We did not all of us meet; in consequence of a quarrel that took place between young Watson and Harrison, he did not meet.

Who came and reported that that quarrel had taken place?—Young Watson.

Who were present when young Watson made that report?—The whole except Harrison.

There were five of you?—Yes.

What did young Watson state to have been that quarrel between him and Harrison?—That Harrison had been so over particular, in some cases or other, that they had a serious quarrel in going up to Seale's for the remainder of the bills; and young Watson said "If we had not known you well, I should have thought you a Marplot."

Young Watson told you he had said to him, "if we had not known you well, I should have supposed you were a Marplot"?—Yes.

Did young Watson state what answer Harrison had given to it?—Harrison told him he was perfectly well convinced that he was so violent that if he did not take care he would bring himself and all the rest into trouble, and that he would withdraw himself; that he would have nothing more to do with it.

Lord *Ellenborough*.—Was that stated in the presence of all the others?—Yes.

Mr. *Gurney*.—Watson reported this to you?—Yes, he did.

What effect had this report upon your committee?—It threw the whole of us into a state of alarm.

What did you resolve upon in consequence?—We resolved to meet at another place, but still it was unanimously thought that he would

not deceive us, but that we had better have another place of meeting.

What do you mean by, "he would not deceive us"?—That he would not let any person know that there was a secret committee.

That he would not disclose?—Yes, that he would not disclose what was intended.

Did you resolve to go on or to suspend any part of the plan you had intended?—We resolved to meet late in the evening again; Thistlewood indeed desired me to call on Harrison, and to know the reason why he had withdrawn.

Before you separated, did you appoint any person in Harrison's place upon your committee?—Yes.

Whom?—Hooper.

At what place did you appoint the committee to meet in the evening?—I think it is the Blue Last by Salisbury-square, leading down towards the river.

Down by the water-side, leading down to the river?—Yes.

By Salisbury-square, Fleet-street?—Yes.

Were you to bring any person with you?—I was to bring Hooper with me.

Did you in pursuance of what had been resolved, go to Harrison?—I did.

Did you afterwards report to the committee what had passed between you and Harrison?—I did.

What did pass between you and Harrison? what did you say to him and he to you?—When I called on Harrison, I told him that young Watson had reported that he had withdrawn himself, and I wished to know the reason of it.

What did Harrison say?—He said he had, and he wished me to withdraw myself, for he was well convinced that young Watson was so violent, that he would get both himself into trouble and every body else.

Did you then go to the Cock in Grafton-street?—Harrison told me he would have nothing more to do with us, neither would he attend the Spa-fields meeting.

Mr. Justice *Bayley*.—He reported this to the committee I suppose.

Mr. *Gurney*.—He had already said that before I asked him to the conversation. Did you meet Hooper at the Cock in Grafton-street?—I did.

What did you state to him?—I informed him that he was chosen in Harrison's place; he wanted to know the reason.

Chosen what?—One of the committee in the place of Harrison; he wanted to know the reason; I told him that young Watson and Harrison had had a quarrel, and that Harrison had turned traitor.

What answer did Hooper give to that?—He told me he would not believe it unless he heard it from Harrison; just at that identical moment Harrison came into the Cock; Hooper addressed himself to Harrison, and said "Castle has been telling me you have turned traitor; I will not believe it unless I hear it from yourself."

What was said upon that?—I told him “no, I did not say he had turned traitor, but that I had informed him that young Watson had gone so far as to call him a Marplot;” upon that, Harrison replied that he had withdrawn, neither should he ever attend the committee any more, nor the meeting.

He confirmed what he had said to you?—He did.

Upon this did you and Hooper go to the Blue Last public-house where you had appointed to meet the committee?—Yes, we did.

Did you meet them all there?—There were none there when I went in.

Did they come in?—Yes; they all did.

Did you stay there or go away?—I stopped there some time.

Did you go away afterwards?—Yes.

Why did you go away?—Because there was not an opportunity of having conversation, the house was so full.

Where did you withdraw to?—To No. 9, Greystoke-place.

What room did you go into there?—A two-pair back, where there was no window, and no person could overlook us.

Then there were all five of you there, and Hooper?—Hooper was the sixth.

What was done with respect to Hooper?—Hooper was informed that he was chosen in the place of Harrison, as Harrison had withdrawn himself, and the whole of the plan was explained to him.

Had you then arranged your plan for the Friday?

Mr. Justice Bayley.—When he speaks of the plan, was that about the barracks? or what?

Mr. Gurney.—When you speak of a plan, do you speak of that respecting the barracks, or for the Friday?—The plan for the barracks was then given up; it was respecting the Friday.

Mr. Wetherell.—Do I understand you to say that the plan about the barracks was then given up?—Yes; on account of not getting a house.

Mr. Justice Abbott.—He had mentioned that before.

Mr. Gurney.—Yes, he had, my lord. Now what did you say respecting the plan on the Friday?—The plan was for us to have met there; the elder Watson, and young Watson, and Preston, were to have addressed the mob from the waggon.

At what period of the meeting were they to address the mob?—They were to be there about twelve o'clock, before Hunt came.

At what time was Hunt to be there?—Hunt was to be there precisely at one o'clock.

They were to address the mob before Hunt came; what then?—If Thistlewood saw the spirit of the people was ripe and ready to act, he was to jump down from the waggon and head the people into the Tower.

Mr. Justice Bayley.—That he was to jump down?—That we were to jump down.

By we, whom do you mean?—The whole six.

Mr. Gurney.—The committee?—Yes; there were six cockades and a flag to be prepared; those cockades were to be hoisted in our hats.

Each of you was to have a cockade in your hats or bosoms?—Where we liked to have them, and a flag to be prepared.

Was any thing arranged about what should be done for weapons?—Thistlewood said, “if they should chance to call out for weapons, you may tell them we will soon find them weapons.”

If they should; you mean if the mob should call out for weapons?—Yes.

Was it said where you were to tell them to find weapons?—At different gunsmiths shops; there was scarcely a gunsmith's shop in London, but what had been inspected to see what ammunition and so on there was at each.

Mr. Justice Bayley.—Was that mentioned at that time?—Yes, it was.

Mr. Gurney.—They had been inspected to see what?—To see how many there were there.

To see what arms there were there?—Yes; and what would be the highest gunsmith's shop to the fields.

Mr. Justice Bayley.—To see the situation of shops, or number of shops?—The situations of shops and the number of shops, so that we might go directly to them.

Mr. Gurney.—Who was it mentioned this circumstance of the gunsmiths' shops having been thus inspected?—I cannot exactly remember whether it was the elder Watson or Thistlewood, but it was one or the other.

Was it said what should be done when those arms were got from the gunsmiths' shops?—“Immediately go down to the Bank, and take it by surprise.”

Was any other place mentioned beside the Bank?—The Bank and the Tower.

After this plan was stated to Hooper, was any thing said to him?—That if the Bank was taken, it was then stated how we were to proceed, what was to be done.

How?—That we were to get all we could at the top of the Bank to barricade it.

How do you mean to get on the top of the Bank?—To destroy the soldiers; to defend against them if they should come to attempt to retake it: they were not only to get into the Bank, but into the houses round, and to take up glass bottles, or any thing that would kill a man by the fall; and the different articles, and the whole of the books were to be brought out and to be barricaded; and if it was likely to be re-taken, to set fire to them to do away with the national debt.

Did your committee meet again the next morning, Thursday, the day before the meeting?

—Yes, they did.

All six of you?—Yes.

Hooper then being one of the six?—Yes.

When you speak of the six, we are to understand Hooper instead of Harrison?—Yes; Harrison had completely withdrawn himself.

Did you receive any more bills from Seale's that morning?—Yes; I believe the remainder were brought.

Were the bills and placards sent out as before?—They were. I beg your lordships pardon, Preston did not meet his men that morning at the Cock, in Grafton-street, he came to fetch the bills but he met his men at a house in Spital-fields.

In the evening did your committee meet again?—They did.

Do you remember where it was?—No, I do not; I think it was in Greystoke-place.

Did Thistlewood and Watson make any report to you there respecting Mr. Hunt?—Yes, they did; they said they had seen Mr. Hunt at Bouverie-street Hotel.

Do you mean Watson senior?—Yes; they had seen Mr. Hunt at the Bouverie-street Hotel, and that he had made some objection, that some alteration was wanted to be made in the petition that was to be read to the people, that he wished to have one of his own.

Did they report any thing more Mr. Hunt had said?—That he had had a letter from sir Francis Burdett.

That who had?—That Mr. Hunt had; that his son was very ill at Brighton, and that he could not attend.

Do you remember any thing more being said at that time from Mr. Hunt?—No; I do not remember any thing particular.

Did you agree where to meet the next morning?—Yes.

Where?—At the Lincolnshire-house, by Bouverie-street, down in Whitefriars.

A house called the Lincolnshire-house?—Yes? I do not know the name of the house.

Is it the Lincoln Castle?—I really do not know.

Were you to call at any place in the morning, before you went to that house?—I was to call at Thistlewood's, to get the colours and the cockades.

Were you to procure any thing for the colours?—I was to procure a staff.

When your committee broke up where did you and Thistlewood go to?

Mr. Justice *Bayley*.—This was on the Thursday evening?

Mr. *Gurney*.—Yes, my lord; the evening before the first Spa-fields meeting?—I do not exactly recollect, except that we went to the two houses where the soldiers use.

Do you remember whether you went to Paddington or not?—I believe we did; but I am not certain.

Did you go to any houses at all?—Yes, I believe we did.

Did you and Thistlewood go together?—Yes, we did.

Do you remember any of the houses that you went to?—Not exactly; I do not, except that we went to the Nag's Head, in Carnaby Market.

At any of the houses you went to what did you do?—To distribute bills, and to invite as many as we could to come to the meeting, and as many as would let us stick them up, we did: I beg your pardon, we went among the soldiers, and distributed some bills amongst them.

Do you mean the soldiers at the theatre?—Yes.

Mr. *Wetherell*.—You had better identify what bills.

Mr. *Gurney*.—Do you mean the bills for the meeting the next day?—Yes.

You mean the same bills that had been shown to you?—Yes, we had no other bills.

Was any beer given?—Yes, we never went to any house, but we gave beer, if there were any of the working mechanics out of work.

Any people that would accept of it?—Yes.

At either of the houses to which you went, did you see a person of the name of Gilling?—Yes; he had originally been a serjeant in the Guards; I do not know which regiment; I think the second.

Was conversation held with him?—Yes.

In the morning of Friday, the 15th of November, did you go to Thistlewood's lodgings in Southampton-buildings?—Yes.

Did you see him?—Yes.

What did you receive there?—I received the colours, and six cockades.

From whom?—From Mrs. Thistlewood.

In whose presence?—In the presence of Mr. Thistlewood and the son.

Mr. *Gurney*.—Mr. Barlow, have you the large flag, with the inscription?

Mr. *Barlow*.—I have.

Mr. *Gurney* [to the witness].—Was there any inscription upon it?—Yes, there was; the same inscription which Mr. Watson had written.

Is that the flag? [producing it]—It is.

Did Thistlewood give you any money at the same time?—Yes.

For what purpose?—For the purpose of buying a staff.

Did you go and buy a staff?—Yes, I did.

Where?—On the right-hand side going down Holborn.

Did you then go to this Lincolnshire public-house?—I did.

Did the committee all meet there?—Yes, they did.

Did you distribute the cockades?—I did.

Each of you took a cockade?—Yes.

Did you all together go to Spa-fields?—No; before we had done that, we found that the staff was not long enough, and Thistlewood desired me to go and see whether I could not get one longer.

Where did you go to?—We went to a gentleman that Watson said he knew, who was a carpenter, lower down, close to the water-side.

Did you buy one?—We did.

Did you bring it back to the public-house?—Yes.

Was that approved of?—Yes, it was.

At about what time did you leave the house to go to Spa-fields?—At about half-past eleven o'clock; between eleven and twelve.

Who left the house with you?—Preston, Hooper, and Thistlewood.

Where were the Watsons?—They were at the Bouverie-street Hotel with Hunt.

That you understood?—Yes, that I understood.

Was the elder Watson at the Lincolnshire-house with you at first?—Yes.

He left you then before you went to Spa-fields?—Yes, he went with me to get the staff; and then he left me, telling me he was going to the Bouverie-street Hotel with Hunt and his son.

Was it Watson's son?—Yes.

That hotel is within a hundred yards of this house?—Yes, close by it.

What did you carry to Spa-fields?—I carried the colours in my bosom, and the staff in my hand.

Did you walk all the way, or take a coach?—I walked all the way.

Did you get any coach before you got to the fields?—No; there was a coach sent for after we got to the fields.

Whom did you send?—A person of the name of Crisp was sent to fetch a coach; and I gave him charge of the staff at the same time.

To what part of the field was the coach first brought?—The coach was first brought to the public-house, close by the fields; looking into the fields.

Who got into it?—Hooper, Preston, and this Crisp; I believe Crisp did not get in, he got on the box.

Had he the staff still?—He still had the care of the staff.

Where did the coach drive to?—The coach drove up towards the Merlin's Cave.

Were you and Thistlewood at Merlin's Cave together with Hooper and Preston?—We met afterwards.

Did you all join afterwards?—Yes.

You were, four of your committee, together at the Merlin's Cave?—We were.

With whom did the two Watsons come?—With Hunt.

Did they walk or come in a carriage?—Came in a chariot, I think.

What did Hunt do?—He got out, and got on the roof of a chariot.

Mr. Justice Abbott.—Do you mean the carriage in which he came?—Yes.

Mr. Gurney.—Supposing it to be a chariot or coach?—Yes.

Where did you get?—I got on the box; Thistlewood being sitting on the box before me.

Mr. Justice Abbott.—Do you mean that you got on the box of the same carriage in which Mr. Hunt was?—Yes.

Mr. Gurney.—You mean the carriage in which Mr. Hunt had come?—Yes; Thistlewood was on the box, and I got up between him and Mr. Hunt: Mr. Hunt being on the top.

Did you do any thing then with respect to the colours?—Thistlewood desired me then to hoist the colours; and I made a motion for the person who was on the other coach, Crisp, to hand me the staff, and he handed me the staff: I took the colours out of my bosom, and tied them on as I was on the coach.

Was there a very large assembly of people there at that time?—Yes, a great quantity.

Round the Merlin's Cave?—Yes.

Did Mr. Hunt begin to address this meeting?—After some few observations, Mr. Hunt begged to withdraw to the Merlin's Cave.

Did he first begin from that place?—Yes, he addressed them from the carriage.

Then it was proposed to withdraw to the house?—Yes, to one of their windows facing the fields.

Did Mr. Hunt go into the house?—Yes, he did.

Did you and Thistlewood, and others?—Thistlewood got down; I handed the colours to some person in the one pair of stairs room.

Did you and Thistlewood, and the Watsons, go into the room up stairs where Mr. Hunt went?—Yes; they were in the room up stairs when I went.

Who was chosen chairman?—A person of the name of Clark, I was given to understand, whom I had never seen before, neither had I heard his name; Dyall, the chairman, was there; but I believe Mr. Hunt named Mr. Clark as chairman.

Mr. Hunt named Clark as chairman?—Yes; it was never intended that Dyall should be chairman.

Did Mr. Hunt, from the one pair of stairs window of that house, address the populace?—Yes, he did.

After whatever was proposed, did Mr. Hunt propose any adjournment to any time?—Yes, he did.

To what time did he propose the meeting should adjourn?—To a fortnight after the meeting of parliament, I think.

Upon Mr. Hunt's doing this, did either of your committee say any thing to the others to do any thing else?—Yes, Thistlewood desired me to tell young Watson to get Mr. Hunt to move an amendment.

To move an adjournment till what time?—To adjourn till Monday fortnight.

Upon this did young Mr. Watson move that amendment?—He told Mr. Hunt, and Mr. Hunt moved that amendment.

He proposed it and Mr. Hunt adopted it; how was that?—I believe it was so, or young Watson moved the amendment, I am not certain which.

It came from Thistlewood to young Watson, and young Watson either proposed it himself or mentioned it to Mr. Hunt?—Yes.

Was it adopted?—It was so, it was unanimously agreed to.

After the business was over, did you all of you quit the Merlin's Cave?—We did.

Did you get into the hackney coach?—I did.

And who with you?—Hooper, the two Watsons, Thistlewood, and myself.

Mr. Justice Bayley.—Was Preston one or not?—I believe not.

Mr. Gurney.—When you had got in was any thing done with respect to your horses?—Yes, I showed the colours out of the window, and the horses were taken off the coach by the populace.

Were you drawn along by the populace?—Yes.

Where were you taken to?—We had not proceeded many yards before, by some means or other, they ran against a wall.

Upon these persons running you against the wall what did you do?—We all of us got out and walked.

Where did you walk to?—To the Bouverie-street Hotel, where Mr. Hunt was.

When you got there did you find Mr. Hunt?—Yes, we did.

Did you dine there together afterwards?—Yes.

All your committee?—No; all but Preston.

With Mr. Hunt?—Yes, with Mr. Hunt.

Did you and the other members of the committee come away together?—Me and Hooper came away together.

Did your committee meet again the next morning, Saturday morning?—I am not certain whether we did.

Do you remember how soon after you next met?—I think it was the Monday following.

Did you meet neither on the Saturday nor the Sunday?—I was at Thistlewood's house on the Sunday.

What did you go there for?—With the colours, and delivered them to Mrs. Thistlewood.

Was Mr. Thistlewood there?—Yes.

Do you remember what Mrs. Thistlewood was doing?—Yes, she was folding up newspapers to send into the country.

What newspapers were they?—Newspapers with the notice when the meeting was to be called again.

Mr. Wetherell.—Did he see that.

Mr. Gurney.—Did you see that?—Yes, I did.

Mr. Wetherell.—I suppose there were such papers?

Mr. Gurney.—Oh, yes, a thousand, we can shew them to you, we have them all here. To what kind of places were they directed?—To different manufacturing towns, such as Sheffield and Manchester.

Thistlewood directed those papers to different manufacturing towns?

Mr. Wetherell.—He has not said that, but the wife.—She was folding them up, and he was directing them to those different places; Sheffield, Manchester, and Birmingham, and there was some sent into Lincolnshire, and some into Yorkshire, to a variety of places.

Were they to be sent by the post?—Yes, they were.

Mr. Wetherell.—Did they contain advertisements for the next meeting?—Yes; and the meeting that had taken place.

Mr. Gurney.—Do you mean the paper containing the account of the last meeting?—Yes; he had sent Watson down to have it put in; young Watson.

When did he send him?—On the Saturday. An account of the meeting on the Friday, and which would contain a notice for the next meeting?—Yes.

Mr. Justice Bayley.—I think he said that he was present when old Watson sent young Watson with directions to put it into the newspaper?—Yes, we were all there present.

Mr. Gurney.—At what place was this?—At Greystoke-place, on the Saturday; I remember now that we had a meeting on Saturday.

On that Saturday, was any hand-bill drawn up for the next meeting?—Yes, there was.

At Greystoke-place?—Yes.

Who drew it up?—The elder Watson.

Mr. Wetherell.—What is this?

Mr. Gurney.—The hand-bill for the next meeting, which we have proved already in part by Seale. Did any thing pass at that meeting about any subscription?—Yes.

What was it?—There was a paper drawn up.

By whom?—By the elder Mr. Watson, that me, and Hooper, and Preston, and the whole of us should go to different people that we thought likely to defray the expences of the next meeting, as the whole of the expences of the last meeting fell on merely one or two individuals.

Mr. Wetherell.—You say the paper was drawn up?—Yes.

Mr. Gurney.—Is this what Watson said at the meeting at which you were present, did Watson propose this, to have the paper drawn up?—Yes.

Mr. Wetherell.—I understood him to say that a paper was drawn up.

Mr. Gurney.—Yes, there was, but that does not obliterate the conversation.

Witness.—There were several papers drawn up, but they did not please.

Mr. Wetherell.—I must know where the papers are?

Mr. Gurney.—I beg your Lordship's pardon I am entitled to the conversation.

Witness.—The greater part of the papers were destroyed; all that Thistlewood could find he destroyed, for he was frequently reminding Dr. Watson about writing so much and having papers so much about him, if any thing should occur that that would be the only thing that would convict him or any of us; at one time in particular—

Lord Ellenborough.—What did you say about papers?

Mr. Gurney.—Repeat that.

Witness.—He told him to let all the papers be destroyed, for if there were any papers found on any of our persons it would be the only thing to lead to a discovery: once, in particular, Dr. Watson had written a great deal of poetry, and amongst that there were several songs, he did not chance to be in the way at the time, and Thistlewood and myself, looking over the papers, found a great number, which he took and destroyed in my presence.

Look at this advertisement in the Statesman, and see whether that is what Mr. Watson drew up?—Yes, it is.

You say young Watson was sent to the Statesman with it?—Yes, he was.

Mr. Justice Bayley.—Does that agree with what he heard Watson read?—Yes, it does, I had it in my possession for some time.

A Jurymen.—Of what date is that paper?

Mr. Gurney.—The newspaper is of Wednesday, the 20th. of November; we may as well read that now I suppose.

[It was read as follows:]

“Spa-fields Meeting, the 2nd December, 1816.—The expenses (which have been considerable) of convening the meeting on the 15th instant, having fallen upon one or two individuals, and as other expenses will occur to promote the cause of Parliamentary Reform, and immediately bringing together united ability and integrity to relieve the calamities of the nation,

“Subscriptions for that purpose are received by the Treasurer, Mr. John Hooper, No. 9, Graystoke-place, Fetter-lane.

THOMAS PRESTON, secretary.”

Mr. Gurney.—Did you get some hand-bills printed like that?—Yes, there were some, or something similar to that.

The next day, Monday, did you and Hooper, and Preston, go about to solicit subscriptions?—Yes, we did.

Mr. Wetherell.—What day are you upon now?

Mr. Gurney.—Monday, the 18th of November. How much did you get?—We got about two pounds the first day.

Mr. Wetherell.—Did you collect the money; or how do you know that?

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Mr. Gurney.—He says, he, and Preston and Hooper collected.

Witness.—Yes, I was one.

Did you go about the next day?—Yes, and every day till the meeting took place.

To whom was the money which you collected paid over?—To the elder Mr. Watson.

In whose presence?—In the presence of the whole of us.

In the presence of the whole of your committee?—Yes.

In the course of this time, between the first meeting and the second, did you and the younger Watson go to any places?—Yes.

To look to any gun-smiths' shops for instance?—Yes we did.

Mr. Wetherell.—That is rather leading him.

Mr. Sergeant Copley.—That is so very material a fact.

Mr. Justice Bayley.—For what purpose he went may be asked.

Witness.—We went to see the gun-smiths' shops whereabouts they were placed, and particularly down about the Tower; the different gun-wharfs, and those gentlemen that served the different ships, ship-brokers I believe they called them.

Mr. Gurney.—Ship-brokers or chandlers?—Ships-brokers I think, those that supply the ships with ball, canister, and grape.

On how many different days do you think you and young Watson did this?—Five or six different days.

Did you look at any other shops than the gun-smiths and the ship-chandlers?—Yes; in particular we looked at two shops in the Minories; two or three shops.

Of what particular description?—Gun-smiths.

Did you look at any other description of shops?—Yes, oil shops, and where there was any kind of combustibles or turpentine, or spirits of wine, or any thing of that kind.

To whom did you make your reports?—To Thistlewood.

Did you meet daily in committee?—Yes, regularly; and communicated every night what was done.

Towards the close of the month, do you remember calling on a person of the name of Keenes?—Perfectly well.

Who called with you?—Dr. Watson.

The elder?—Yes; they both called with me at different times on Keenes.

Mr. Gurney.—Your lordship will forgive me, I have passed over something. Before that did you go with Thistlewood to any place near the Tower, or to the Tower?—Yes I went to the Tower.

Who went with you?—Thistlewood.

Mr. Wetherell.—I really must object to this, where did you go to? is the question; not whether he went to an oil-shop, and so on.

Lord Ellenborough.—If that was the only

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question we should never get to an end, what passed there must be left to the witness.

Mr. *Wetherell*.—It is not common to lead the accomplice in this manner, who is supposed to know every thing.

Mr. *Gurney*.—Indeed it is the common question.

Lord *Ellenborough*.—How could he guess what you were aiming at so as to give his evidence?

Mr. *Wetherell*.—It is not putting an answer into his mouth, merely asking whether he went there.

Mr. *Gurney*.—You say you went to the Tower with Thistlewood?—I did.

To what part of the Tower did you go?—We walked all round the Tower, and then we went into the Tower, to one of the taps which the soldiers use.

What did you do there?—Gave the soldiers some beer.

Did you converse with them?—I did, and gave them some bills.

What bills?—Bills of the meeting, for the second meeting in Spa-fields.

Mr. *Gurney*.—Mr. Barlow will you show him the small bill for the second meeting in Spa-fields.

Mr. *Barlow*.—I have no small one: it is only a large one that is given in.

Mr. *Gurney*.—They are just the same, but look at that, as I have one here.

Witness.—This was one of them.

Mr. *Gurney*.—Will you look at that, and see whether it is the same as the large?

[It was read over, and found to agree with the large one.]

You distributed to the soldiers some of those bills?—Yes.

And gave them drink?—Yes.

Did you have any conversation with the soldiers?—Not any thing particular.

Mr. *Wetherell*.—I wish to see whether the two bills are precisely the same.

Mr. *Barlow*.—There is a variation of in and under; one is, "in these times," and the other, "under these times," and the printer's address is not set out precisely in the same way.

Mr. *Gurney*.—Did you go to the Tower more than once?—Yes.

How many times?—Three or four times.

I mean between the first meeting in Spa-fields and the second?—Yes.

Did you go alone, or in company?—No; I went with young Watson, I was never but once with Thistlewood.

You have given me an account of what passed when Thistlewood went with you; when you went with young Watson did you carry any bills?—Yes, we had bills then.

Did you give the bills amongst the soldiers?—Yes; and distributed a great many in the Tower.

Had you bills every time you went?—Yes.

And you distributed them in the Tower?—And round, beyond the Tower, down towards Blackwall, all along the water-side.

Upon either of those occasions, when you went with young Watson, did you show the soldiers any thing besides the bills?—Yes; I showed them the colours and the cockade.

The cockades you have spoken of?—Yes; red, white, and green.

Did you do that once, or more than once?—Twice.

A *Jurymen*.—Was that in one of the taps?—Yes, it was.

How many soldiers were present?—About half a dozen; there were a number kept coming in and out at the time.

Mr. *Gurney*.—Did you and young Watson converse with the soldiers?—Yes.

What was the nature of your conversation?—We asked them whether they would like to work for a master that would give them double wages, or be as they are.

Do you remember any other things you or young Watson said to them?—No: further than that we asked them, whether they would sooner fight for a big loaf or a little one.

A *Jurymen*.—Were those kind of questions spoken aloud, so that they could be heard all over the tap-room?—No; not all over the tap-room, but so as to be heard by those I spoke of.

Not in a whispering tampering manner?—No.

How many do you suppose heard them?—Three or four; we gave them drink.

Mr. *Gurney*.—Was this address to the persons you gave drink to?—Yes.

Lord *Ellenborough*.—So that the persons with whom you were conversing and drinking might hear?—Yes, they might hear.

Mr. *Gurney*.—Did they give answers to what you said?—Yes.

What answer did they give about a big loaf or a little one?—They said they all wanted a big loaf.

Was your committee meeting daily?—Yes; once or twice a day, we met every night to give a report.

Did you at those meetings discuss your plans?—Yes.

At either of those meetings was any thing said by either of the party, about any use to be made of young women?—Yes.

Mr. Justice *Abbott*.—Before you come to that I want to know whether, when the committee met, any report was made of those communications with the soldiers?

Mr. *Gurney*.—After you had been to the Tower on those occasions, did you and young Watson report to the committee what you had

said and done?—Yes, and every place we had been to; and how we found the spirit of the people: every thing was reported regularly.

You were going to tell me that something passed at one of the committee meetings about young women: who proposed that?—Either Thistlewood or the elder Watson proposed, if we could get a couple of hundred young women together and dress them in white, for them to carry small flags and cockades, or if we could raise sufficient money, to dress them all alike.

Mr. Justice *Bayley*.—Did you say small flags and cockades, or, or cockades?—And cockades.

Mr. *Gurney*.—For what purpose?—For the purpose of walking the first, in order to take off the attention of the soldiers, so that they should not ride over us, and to give us time to address them.

Lord *Ellenborough*.—That they might not ride over the mob?

Mr. *Gurney*.—That they might not ride over the party you were to have?

Mr. *Wetherell*.—Let him explain what he means by us.

Mr. *Gurney*.—What do you mean by us?—I meant the committee that were to head the mob.

Now, my lord, I will come back to what I was about to go to; you say you recollect calling upon Keenes at one time with the elder Watson, and at another time with the younger?—Yes.

For what purpose?—He was chairman of the Nag's-head society of Spenceans.

Did you and Watson request him to do any thing before the meeting?—Yes; we asked him how long it would take him to make us, every one of us, a great coat; six great coats.

For the committee?—Yes.

Any other preparation for the meeting do you remember with him?—We asked him to attend, when he was invited to dine with us at No. 1, Dean-street.

At this time who lodged at No. 1, Dean-street?—Doctor Watson had taken a lodging there for one week only, for fear we should be discovered and detected, being at Greystoke-place so long.

You asked Keenes to come and dine there with you?—Yes, we did.

Mr. Justice *Abbott*.—Is this Dean-street, Fetter-lane?

Mr. *Gurney*.—Yes, my lord; it is very nearly opposite Greystoke-place. In the last week in November, did you go over the bridge to any place?—Yes.

With whom?—With Thistlewood.

Over which bridge did you go?—We went over London-bridge.

Where did you go to?—Into the New Cut; no; I beg your pardon, it was over Blackfriars-bridge.

That is the road, from Blackfriars-road to the Marsh-gate at Westminster?—Yes.

For what purpose did you go there?—We went there for the purpose of hiring a waggon or a stage.

For what purpose?—To deliver the speeches from at the Spa-fields meeting.

Mr. *Wetherell*.—You do not give us the date of this?

Mr. *Gurney*.—The last week in November; we shall give you the date more accurately, perhaps: did you find a man who had a stage?—We found a man who said he had a mountebank stage to sell.

What did he ask for it?—I think it was eight pounds.

Did you see the carriage?—We did; it was at some distance away, at the back of the workhouse: he sent a man to show it us.

What did Thistlewood say, on his offering to sell it for eight pounds?—Thistlewood offered two pounds for the loan of it for a few hours; the man said he never let any thing out.

What reply did Thistlewood make to that?—Thistlewood said he might send a man to take care of it; it would not be broken.

Did he say any thing more about it?—Yes; the man would not let it go, unless he had the money.

Did Thistlewood say any thing more?—Yes; that in a very little while he would be very glad to give up the whole of his carriages, of which he had a great quantity, for nothing.

What did the man say?—The man said he could not help it; he should not let him have it unless he had security; if he bought it he might do as he pleased with it.

Did you go to any other place to try to get any thing?—We went to several places.

At last did you go alone to get any thing?—He and I went to Richardson's.

Did you afterwards hear from any person where you could get a waggon?—I was desired by Thistlewood to get a waggon; and I went down to Westminster to a person of the name of Ware, whom I had known for some years, and he recommended me to a man in Horse-ferry-road.

Do you remember his name?—Winder-mude, or some such a name as that.

In consequence of his recommendation, did you apply to Windermude?—I did; I went to the Ship public-house, and sent for Windermude there.

What did you apply to him for?—For a waggon.

For what purpose?—To deliver a few speeches from in Spa-fields.

What price did he ask for it?—Three pounds; and three shillings the boy was to have for cleaning the waggon out.

Did you agree?—I agreed to let him know the next day following, whether I would take it or not.

Did you see Thistlewood that evening?—I did.

Did you report to him what you had done?—I did.

Did he approve of what you had done?—He did.

Did he direct you what to do?—He asked me why I had not engaged it? I told him I was to let the man know the next day; he told me to go and take it, as I had a part of the money belonging to the committee; I was to pay a deposit out of it.

Did you do so?—I did.

On Friday, the 29th of November, did you and young Watson go together anywhere?—Yes.

That was the Friday before the second of December, when the meeting was to be held. Did you among other places go into the Strand?—Yes; and to Exeter-change; and down to the Savoy.

For what purpose did you go to Exeter-change?—For the purpose of seeing what pistols, guns, and sabres, there were hanging up, and at the gun-smith's shop opposite.

Did you look at any other shops in the Strand besides the shop opposite?—Yes.

Of what kind?—Both oil shops and others: but one shop in particular that had got a great number of swords and pistols, and large carving knives.

Did you go to the Horse Guards?—Yes, we did.

Into what place?—Into the tap; the Canteen they call it.

Mr. Justice Bayley.—He said he went to the Savoy.

Mr. Gurney.—Where did you go to at the Savoy?—Among the people working on the new bridge.

Did any thing particular pass with them?—No further than delivering out the bills to them, inviting them all to come; and the same at the Fox under the Hill.

Then you say you went to the Tap or Canteen, at the Horse-guards?—Yes; I do not know which they call it.

Did you see any soldiers there?—Yes.

Did either Watson or you say any thing to them?—Yes, we did; we asked them whether they had heard any news.

Lord Ellenborough.—Which of you spoke?—Watson.

Watson the younger?—Yes.

Mr. Gurney.—Did he explain what he meant by news?—A soldier wanted to know what news; he told him there were fifty thousand Russians coming, and that there were thirty thousand of them landed at Woolwich.

What answer did any of the soldiers give to that?—One of the soldiers said, he could not think they had sent for any Russians; for if they could not depend upon them; they could very soon dispatch them.

That he did not think they; who do you mean by they?—Government; that he did not think that the government had sent for the Russians; for if they could not depend upon

them, they could very soon dispatch the Russians, for they would not suffer them to *predominate* over them.

Did any thing more pass?—Very soon after the trumpet sounded, when they were going to relieve guard; and that life-guards-man went away.

As you were coming out, did you meet with any artilleryman?—Yes; we met with an artilleryman, dressed in blue, who said he was going down to Woolwich; we got into conversation with him, and asked him whether they had got any orders for Monday next.

If the artillery at Woolwich had orders for Monday next?—Yes; and if they had heard of the meeting.

What answer did the artilleryman give?—He replied no.

That they had no orders?—Yes.

Did either you or Watson give him any thing?—I gave him some bills myself.

For the meeting on Monday?—Yes; and desired him to distribute them amongst his companions when he got to Woolwich.

Did you and Watson then go to Ware's?—Yes.

Mr. Justice Bayley.—Have the goodness to ask him whether they paid for any liquor at the Canteen.

Mr. Gurney.—Did you treat the soldiers with any thing at all?—No, we did not; I was drinking gin and water, and asked one of the soldiers to drink with me, and he refused it.

Where does Ware live?—In a street here in Westminster, looking out of the Horseferry-road, close by the chapel; close by Chapel-street.

Did you find at Ware's any serjeant of the guards?—Yes.

Did you and young Watson, and the serjeant, and Ware, go to any place?—We went to a public house close by, and drank two or three pots of ale.

Who paid for it?—We all paid alike.

Did you converse with the serjeant on any thing?—We began some little conversation with him concerning the meeting, but he seemed to be a man that did not wish to hear any thing on the subject, and so we did not pursue it further; we left some bills with Ware, and he stuck a large one up in his shop.

A placard?—Yes.

To what place did Watson and you then go?—We then went down to the Ship, in Horseferry-road.

Is that kept by Mr. Wheatley?—I do not know the man.

Whom did you send for there?—We sent for Windermude.

The owner of the waggon?—Yes, whom I had seen the night before.

When Windermude came, what did you or young Watson do?—I agreed to take the waggon, and I gave him a one pound note to pay the deposit, and he gave me back ten

shillings; I do not know whether I gave the note to him or to the landlord.

Ten shillings was in one way or other left with him as a deposit?—Yes.

Did you appoint with him when you should come again?—I did.

At what time did you tell him you should come again?—I told him I should come again on the Sunday night to tell him what hour, and where the waggon should be.

To give him directions as to time and place?—Yes.

Did either of you produce any ribbon in this house?—That was on the Sunday night afterwards.

I will come to that by and by. After young Watson and you left Windermude's, did you go together to any smith's?—Yes.

Where was that?—Over the water; Mosely, or some such name.

Was it Maudsley?—Yes, that was the name; I think it was something like that.

Did you go to any public-house near that manufactory?—Yes, we did.

Do you know the sign?—No; but it was where the men of that manufactory generally come to get their victuals.

Do you know the name of the man who keeps it?—No; I do not.

Mr. Justice *Bayley*.—Then they did not go to Maudsley's, but to the public-house near it?

Mr. *Gurney*.—Yes, my lord: How many working men did you find?—Eight or ten at their dinner; but not all belonging to that manufactory.

What passed with those men?—We distributed bills with them, and desired them to attend the meeting, and they subscribed amongst themselves twelve and sixpence; I believe it was.

Did they subscribe at that time, or had you received their subscription before?—We had received that subscription before young Watson and me called.

You invited them to come to the meeting, and gave them your bills?—Yes.

Did any of them promise to come?—They did.

Did you that afternoon, or evening, go to No. 1, Dean-street, Fetter-lane, to Watson's lodgings?—Yes.

Whom did you see there?—There was there the two Watsons, Hooper, Preston, Thistlewood, and myself.

All the committee?—Yes; they were all there.

Did you and young Watson report what you had done respecting the waggon?—Yes.

Was it approved of?—Yes; very much.

While you were there, did any weaver come to the house?—Yes; not at No. 1, Dean-street: but at No. 9, the weaver came—the weaver did not know any thing of No. 1, Dean-street.

You went over to No. 9, Greystoke-place?—There was perpetually one or other over there to receive messages, and so on.

While you were there the weaver came?—Yes.

What did he bring?—Some ribbon.

Of what colour?—Green, red, and white.

Who paid him?—Watson, I believe.

Do you remember how much he paid him?—Something more than two pounds, at tenpence a yard.

Had you any of it?—I had.

How much?—Three or four yards.

On the morning of Saturday, the 30th, did your committee meet again?—Yes.

At what place?—At No. 1, Dean-street.

What did you resolve to do then?—Thistlewood said, what are we to do for arms? where shall we get pistols.

Was any thing wanted besides pistols?—Pistols and sabres, or short dirks.

What answer was given by either of your party to that?—Young Watson said, he would go and purchase some, as he was going out; he was going towards the Tower.

Was any money given to him for that purpose?—Five pounds was given him.

By whom?—By Thistlewood.

Was any direction given him as to the number he should buy?—Yes; Thistlewood said we should want only half-a-dozen pair, a pair a piece for each of us; for if we got the best of it for two hours we should have arms and ammunition, and every thing we wanted.

Did you then separate?—We did.

For what purpose?—To go our different rounds.

Which way were you to go?—Hooper and myself were to go up towards Paddington amongst the navigators.

What to do with them?—To invite them to come to the meeting.

To the meeting on Monday?—Yes.

Had you bills with you?—Yes; and we distributed bills as we went along.

As you were going along the Edgeware-road, did you observe any pistols?—As we were coming back again.

You saw the navigators and came back?

Mr. *Wetherell*.—He has not said that.

Mr. *Gurney*.—Did you see the navigators?—Yes; we did.

Mr. *Wetherell*.—It will be important to ask, to what houses he went? because navigators is a large term.

Witness.—We went to the same houses as we went to before.

Mr. *Wetherell*.—He has not told us the houses.

Lord *Ellenborough*.—You may ask him on the cross-examination.

Mr. *Gurney*.—What passed between you and them?—We gave them bills, and instructed them to come on the Monday, as large a body as they could.

To come to Spa-fields?—Yes.

Did they promise to come?—A great many of them did.

In your return down Edgeware-road, you observed a pair of pistols?—Yes, I did, brass-barrelled ones, which I asked the price of.

At what shop?—Mr. Flint; I think his name is: it is at a sale shop, and he kept a pawnbroker's shop a little lower down.

Were they hanging in the window?—They were hanging outside the door.

Was any price marked upon them?—No; there was not.

Did you ask the price of them?—Yes; they asked me five-and-twenty shillings.

Young Watson was with you at this time?—No; Hooper.

Did you bid any price for them?—I bid him eighteen shillings, which he agreed to take.

Did you leave a deposit for them?—Yes; I left a deposit of two shillings.

Mr. Gurney.—Your lordship will find they were afterwards bought by another person: Did you return?—I returned to Dean-street.

Whom did you find there?—Thistlewood, the two Watsons, Preston, and Keenes.

You and Hooper, and Keenes and Thistlewood, the two Watsons, and Preston, made the committee?—Yes; that was the first time that Keenes was ever there.

What did you observe to be lying on the table?—A couple or three pair of pistols; I do not know which.

How was young Watson employing himself?—Making bullets; casting bullets in a mould he had purchased for the purpose, of the size of the pistols.

Did you inquire what the pistols had been bought for?—Young Watson wished me to look at them.

Was the price marked?—Not just then; he asked me how much I thought he had given for them? Young Watson said he had given, I think, twenty-eight shillings a pair; I am not quite certain as to the price.

What did you say to it?—I replied that I thought I had bought a better pair than either of them for eighteen shillings.

What did Thistlewood say upon that?—I told him I had got no money; I had left a deposit of two shillings for them.

Did you tell them of any other pistols?—I told them I had seen another pair that I thought I could buy much cheaper.

Where was that?—At the same shop.

Flint's?—Yes; he gave me two one-pound notes, and desired me to go back and purchase them; to pay for the pair I had purchased and the other.

At this time were there any other arms lying on the table?—Yes; there was a short sword and a dirk stick, which I had seen in the possession of Doctor Watson before.

Mr. Gurney.—Mr. Barlow, will you have the goodness to shew the stick Miell produced this morning? [It was produced.]

Mr. Gurney.—Was that the sort of stick?

Witness.—It was just such a dirk stick as

this; I cannot say whether this is the identical stick or not; it was a stick similar to to this.

Mr. Wetherell.—Can that be evidence?

Lord Ellenborough.—If there is any objection to the question, mention it.

Mr. Gurney.—Was any thing said about any arms to be found any where else?—Yes.

What?—There was a sword and two shorter ones at the house of a man of the name of Stacy.

Were you sent there?—I was desired to call there and bring them.

Did you go to Stacy's and buy them?—I did.

Did you bring them to Greystoke-place?—No; I brought them to Dean-street.

How many?—A long sword and a short one, and one brace of pistols; a brass-barrelled pair of pistols: I brought two away, and left one behind me, and paid him a one pound note, and left ten shillings unpaid.

After this did you go to Edgeware-road?—I did.

What did you do at Flint's, in Edgeware-road; did you pay the remainder of the money?—I paid the remainder of the money; I paid a cracked half-guinea, on which he made a remark.

Did you get those pistols?—I had the pistols; the brass-barrelled pistols.

Did you then agree with him for any other pistols?—I agreed to give him twelve shillings for another pair; one of them was broken in the guard.

Did you pay him the twelve shillings, or leave a deposit?—I left a deposit of two shillings, not having the money to pay the whole.

And you brought away the brass-barrelled pistols?—Yes.

Mr. Attorney General.—I beg your lordship's pardon for interrupting the proceedings of the Court; but seeing the sheriff in Court, I really think it is my duty to tell him, in consequence of papers that have been distributed about the Hall, (and if it becomes his duty, he will be willing to discharge it) it becomes his duty to be extremely cautious in keeping the peace. I hope nobody will suppose I interfere improperly.

Lord Ellenborough.—Would you have the paper communicated. [A paper was produced to his lordship, containing the following words: "Britons arise, no poverty in a plentiful country."]

Mr. Gurney.—You say you brought away the brass-barrelled ones, and took them and the sword to Dean-street?—I did.

Did you inform Thistlewood of what you had done respecting the other pistols, for which you had left a deposit of two shillings?—I did.

What did he do?—He gave me another pound note, and desired me to fetch them the next day morning.

Was Watson the elder there?—He was.

Did he tell you of any news he had heard?—Yes, he did; he said we have got brave news: his son James had brought him news, he could bring fifteen thousand men himself.

Lord *Ellenborough*.—Was this in the morning or the evening?—The evening of Saturday.

Mr. *Gurney*.—Did he say he had heard any other news?—He had also heard where there were fifty thousand stand of arms belonging to the East or West India Company; I cannot say which.

Upon this did Mr. Thistlewood say anything?—He said, oh! we must alter our plans.

What did he say they should do?—That young Watson should go down to Wapping, and Preston to Spital-fields.

When?—On the Monday morning early.

The day of the meeting?—Yes.

What were they to do?—Preston was to go to Spital-fields, and get as many as he could; as he said he could get as many as fifteen thousand.

Mr. Justice *Abbott*.—Was Preston there, and said so?—Yes, he was.

Mr. *Gurney*.—What did Thistlewood say they should do?—That they should go down early in the morning; and as soon as they could collect all their confidential men together, they were to meet at different public-houses, and they were to give them the hint what was to be done; or make them captains, just as they thought proper.

Mr. Justice *Bayley*.—He said they were to go early in the morning?—Yes; to collect all their confidentials altogether.

Mr. *Gurney*.—And they were to make them captains, or give them a hint what was to be done?—Yes; young Watson says, "Sir, but all the old soldiers want commissions; what are we to do with them?" Thistlewood replied, "you must do the best you can with them; for we must all fight, and hard, till we get the best of it."

Did Thistlewood tell you where you were to go to?—Yes; he did.

To what place?—I was to go to London-bridge, and there I was to meet the smiths, as I was the best known to the greatest part of them; and the greater part of them were to come prepared with some weapon or other.

Lord *Ellenborough*.—You are a smith; are you?—I am.

Mr. *Wetherell*.—Did you say you were, or are?—I am.

Mr. *Gurney*.—When you met the smiths, what were you to do with them?—I was to collect all I could together, and proceed to Tower-hill, where I was to be met by young Watson.

And when you got to Tower-hill, and were

met by young Watson, what were you to do?—We were to attack the Tower, we were to get all the arms we could; and if they would not let us in by soliciting it of them, we were to take it by storm, if we could: but there were several that knew us, that had seen us before; and we thought we should get in without any difficulty.

Was it said what you were to say to the soldiers to induce them to let you in?—We were to offer them an hundred guineas as soon as they joined us, or double pay for life, which they chose to take.

Was any thing done with the pistols which you had?—Yes; they were loaded.

At this time where were the colours and the cockades?—The colours and the cockades were at that time in Thistlewood's possession.

Where were they brought to?—To Greystoke-place.

On what day? do you remember?—On the Sunday, I think; I think I did not receive them till the Sunday.

Do you remember any thing being done on that Saturday respecting a piece of calico?—Yes.

What was that?—It was got ready, and the frame was made for it to be wrote on.

A frame was made?—For some calico to be put on, and something to be put on it; an inscription.

Who was to write the inscription?—Doctor Watson, the elder.

Mr. Justice *Abbott*.—He was to write upon the calico.

Mr. *Gurney*.—How was he to put it upon the calico; did you understand?—With pencil in red letters.

He was in some way to impress the letters upon the calico; did he mention to you what inscription he would put upon it?—Yes; I saw the inscription.

What was it?—The brave soldiers are our friends, treat them kindly; or something similar to that. They are our brothers; I believe that was it.

Did he say what effect that would have: or whether it would have any effect?—He said it would have great impression upon the minds of the soldiers.

Did he take the calico home?—He took it to No. 1, Dean-street.

You were at this time at Greystoke-place?—Yes.

When you went from Greystoke-place that evening, did you take any thing with you?—Yes: I took the brass-barrelled pistols with me which I had purchased.

What did Hooper take with him?—A brace of pistols which young Watson had purchased; which I had been told he had purchased.

Which had been produced at the meeting as his purchase?—Yes.

Now the next day, Sunday, the first of December, did you go to the pawnbroker's for the other pair of pistols?—I did.

And get them?—I did, I paid the remaining ten shillings for them, and brought them away.

Did you on that Sunday go to No. 1, Dean-street?—I did.

Did you take any person with you?—I did: one Richard Angel, whom I lodged with at that time. No: I beg your pardon, I did not lodge with him.

Had you employed him for any thing?—Yes.

What had you employed him for?—To make a staff for the flag, and gave him three shillings.

What did you invite him for?—To take a little dinner.

To go and dine with you there?—Yes.

When you arrived at No. 1, Dean-street, did you find young Watson there?—I did.

Did you give him the pistols you had brought from Edgware-road?—I did; and he put them in a cupboard.

Did you do it openly or privately?—I did it privately, so that I do not suppose Angel saw me.

And young Watson put them into a cupboard?—Yes.

What was the party which sat down to dinner. There was Hooper, Preston, the two Watsons, and Angel.

Was Keenes there?—Keenes did not come while it was nearly one, but he did come and dine there.

While you were at dinner did Thistlewood come in?—He was in.

Did he sit down with you?—No, he did not.

Mr. Justice Abbott.—The persons who sat down to dinner were Hooper, Preston, two Watsons, Angel, Keenes, and yourself?—Yes.

Mr. Gurney.—You say Thistlewood did not sit down to dinner with you; did he mention any reason why?—He said his dinner would be ready at four o'clock, that he was going to have the two Evans's to dine with him.

What was the hour you were dining at?—It was one o'clock.

After you had dined, were you called by any person out of the room?—I was called out by young Watson and Thistlewood both.

To what place?—Into the yard.

At the back of the house?—At the back of the house.

What did either of them say to you?—Young Watson says: "Damn your blood what do you bring this stranger for? how do you know but what you have brought him here to betray us?"

Mr. Wetherell.—Watson said this to you?—Young Watson.

Mr. Gurney.—For bringing Angel there?—Yes.

Lord Ellenborough.—I take it for granted a great number of these things will turn out

to be material, they have occupied a vast deal of time.

Mr. Gurney.—I should hope they will, my lord.

Mr. Justice Bayley.—Angel is not present at the time of this conversation.

Mr. Gurney.—No; but I think your lordship will find the materiality of these movements.

Mr. Justice Bayley.—The materiality of this conversation between the parties.

Mr. Gurney.—You will find an act done upon it.

Lord Ellenborough.—Angel did not see the pistols.

Mr. Gurney.—No, my lord. After Watson had spoken angrily about your bringing Angel there, did Thistlewood say any thing to you?—He desired I would go and get rid of him as soon as I could, as I knew we had only got that afternoon to arrange our plans.

Did you, in consequence of that, get Angel away?—I did: and then I was to return to No. 9, Greystoke-place.

You took Angel away to what place?—I took Angel away to a little public-house, and there I left him, after being with him about half-an-hour.

After leaving him did you go to Greystoke-place?—I did.

Did you meet the committee there?—I did.

Mr. Justice Abbott.—All of them?—No; all excepting young Watson and Preston.

Mr. Gurney.—You met the elder Watson?—Thistlewood, Keenes, Hooper, and the elder Watson.

Keenes was not on the committee?—He was not on the committee, but he then knew the whole of the concern.

And he was admitted?—Yes.

What passed when you met?—They gave me a reprimand for bringing a stranger there.

After reprimanding you for bringing a stranger there, what was done?—It was pretty nigh four o'clock, and Thistlewood had to go to his dinner.

What was done before you parted?—The arms were all produced, at least the remainder of them; I had got mine, and Hooper had got his.

What arms?—The pistols and sabres, and they were divided among us, and likewise the colours and cockades were given to me.

Do you mean the flag and the cockades that had been left at Thistlewood's?—Yes; about half a dozen cockades that were made small to give away to any persons we thought proper. Of ribbon they were made.

Did Thistlewood stay till you had made all your plans, and then go away?—The plans were pretty well made when he came back.

When he returned, were you then all the

committee?—Young Watson and Preston was away, but the remainder was there.

Was Keenes there?—Yes; and he had one of the pistols which I had brought away with a broken guard on Sunday morning, which was given to him.

Were your plans arranged for Monday morning?—Yes; they were.

Was that the plan which had been talked of the day before, or a different plan?—It was the same plan that we had talked of the day before, only where we were to meet on Monday morning, and the roads that Thistlewood and Watson were to take were quite in a different direction.

What road were they to take?—They were to go from the waggon which was to be at the top of Chancery-lane.

Thistlewood, and which Watson?—Thistlewood and the elder Watson, and Keenes, and Preston. I beg your pardon, Preston was to go somewhere else; it was agreed I should go, and he gave me two one pound notes to go to pay the remainder for the waggon, for which Hooper and me were sent.

Hooper and you were to go and pay the remainder for the waggon?—Yes.

But for the next morning the arrangement was, that the elder Watson and Keenes should proceed to Spa-fields, from where?—From the top of Chancery-lane, where the waggon was to be waiting for them; and the colours and the banner were to be put into the waggon, and Hooper was to have the charge of them.

Who gave you the money to go and pay the remainder of the hire for the waggon?—Thistlewood.

At the time he gave you that, and gave you the directions, do you remember what he said?—He told me where I was to tell the man to go.

Did he say any thing about what he was to do the next day?—Not at the present moment I do not remember, only concerning if he found that the spirit of the people was ripe, he should jump down after an address from the waggon to the people; he should jump down and take them away before Hunt came to the room.

Mr. Wetherell.—That was said to you individually?—No; it was young Watson, and Watson the elder, and Preston, who had speeches ready for the purpose.

They had speeches prepared?—Yes.

That had been said?—Yes, and the elder Watson was to be there.

Mr. Wetherell.—If the speeches were prepared we must know what they were.

Mr. Gurney.—He had speeches prepared?—Yes; and there was one, something relating to the lord mayor.

They said they had speeches prepared.

Mr. Justice Bayley.—When was it he said that, and who was present?

Mr. Gurney.—Who was present?—Keenes, Thistlewood, the elder Watson, Hooper, and

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myself; the younger Watson, and the others were away, they were gone where they had got their orders to go, amongst the different people they had been to.

Mr. Justice Bayley.—Was it at that time he said any thing about the spirit of the people?—It was.

Mr. Gurney.—Thistlewood said, if he found the spirit of the people ripe?—Yes: after some speeches had been delivered from the waggon by the elder Watson, he would then jump down and head them.

And I think you added before Mr. Hunt came?—Yes.

Was it arranged then where you should meet next morning?—Yes, it was.

At what place?—At the Black Dog, Drury-lane, kept by one Slater, I believe his name is.

At what time?—At eight o'clock in the morning precisely.

Who were to meet there the next morning?—There was Hooper, Keenes, Thistlewood, the elder Watson, and myself.

Did you then go to Windermude?—I did.

Who went with you?—Hooper.

Did you go to his house, or to a public house by it?—We went to the Ship.

Did he come to you?—He did.

Did you pay him the money?—Yes.

How much?—I paid him two pounds more, in addition to the ten shillings I had given him.

Where did you appoint the waggon?—At the top of Chancery-lane.

Lord Ellenborough.—Did it come accordingly?—It did.

Mr. Gurney.—Did you produce any ribbons at that house that night?—I did.

Did you give any to any person?—I did.

To whom?—I gave Windermude a bit, and about a yard to the servant of the house, the servant maid.

Was any thing said to Windermude about using the ribbon about the waggon or horses?—I do not know there was any thing particular about using them to the waggon and horses.

Did he object to it.

Lord Ellenborough.—Can this be material.

Mr. Gurney.—We thought it would be confirmed.

Lord Ellenborough.—It may be confirmed by Windermude and the servant.

Mr. Gurney.—We shall call him and the servant. The next morning, the second of December, did you go to the Black Dog?—I did.

Whom did you find there?—Thistlewood, the elder Watson, Hooper, and Keenes.

Did you inquire for young Watson and Preston?—Yes; I was told why did I ask that when I knew the evening before, that they were directed to go early in the morning to

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collect all the men they possibly could, the one to the Minories, and the other to Spital-fields.

Were any pistols produced there?—Yes, there were.

What was done with them?—I was desired by Preston, to take them loaded; I believe there were three.

Did Thistlewood give any directions what you should do?—He gave me directions that I should go and give the colours to Hooper.

Was any use to be made of any of the pistols?—Yes; he said if any magistrate or officer were to interrupt, they were to take and shoot them, or run them through with the weapons we had; that we did not mind the civil power if we could only keep off the horse-soldiers.

Had you any ammunition?—Yes, there was something like an old stocking put.

Lord *Ellenborough*.—Did you say horse-soldiers, or the soldiers?—The horse-soldiers; there were probably sixty or seventy or more bullets put into an old stocking.

Mr. *Gurney*.—What was done with that?—It was tied up in a dirty old white handkerchief, with a cannister of powder, and given to Keenes to carry to the waggon.

Did you and Hooper then proceed to the top of Chancery-lane?—We did.

Did you find the waggon there?—Yes; and Windermude and his two boys.

After finding him there, did you go to your lodgings for the flag?—I did; and Hooper went with me.

Did you put it upon the staff?—I tied it upon the staff.

Where did you bring it to?—I brought it to the waggon, and deposited it in the waggon myself, and gave it in charge to Hooper.

Was it opened or covered?—It was rolled up so that no person could perceive what it was.

Rolled round the staff?—Yes.

After leaving it in the waggon in charge of Hooper, did you go any where else?—Yes; I called at No. 1, Dean-street, and there I found Keenes wrapping up the banner.

In what?—In a couple of old blankets.

Was the banner then on a frame or a pole?—It was not on a pole then.

The calico was stretched on a frame?—The canvass was stretched on a frame.

Did you take that to the waggon?—I left him to take that to the waggon. I did not see any thing more of it then.

Where did you go, then?—I then went where I was ordered, to London-bridge, in order to meet the smiths.

When you got to London-bridge, did you find the smiths there?—I did not. I found every thing perfectly quiet there, and no person that I knew.

Where did you next go to?—Then I proceeded down Thames-street towards Tower-hill.

You went to the Tower?—I did.

Did you find the gates shut?—Yes; and an extra sentry on.

Where did you go next?—I went up to the soldier there.

Had you some conversation with him?

Mr. *Wetherell*.—I have no objection to it.

Mr. *Gurney*.—I have no objection, except consuming time. What passed with the soldier?—I went up to the soldier and asked him the reason of the gates being shut up, he said it was on account of the meeting.

Did you go then to the Minories?—I went right up the Minories.

Where then?—Up towards the Bank; there I found some difficulty in getting in.

On account of the people there?—No; but that they were very particular in letting people in.

The gates were shut?—Yes.

Did you go on to Little Britain, near Smithfield?—I did.

Mr. *Justice Abbott*.—That he went to East Smithfield?

Mr. *Gurney*.—No, my lord; he went to Little Britain near West Smithfield. Did you there see any mob?—Yes, I heard the shouting when I got there, and saw the mob; the first person that I saw amongst them were Thistlewood and Dr. Watson.

Did you ask them any questions?—I asked him where his son James and the rest of them were.

What answer did the elder Mr. Watson make?—He said, "to the Tower, Jack, to the Tower; make haste or we shall be too late."

Did they go on?—They went on; and in the course of a very little while, I lost sight of them: a great quantity of people were running in every direction.

Which way did they go?—Towards the Tower; towards Lad-lane.

That would be in the way either to the Exchange, the Tower, or the Bank?—Yes; it was in that direction.

How soon did any others in the party come up with you?—I saw Keenes in the course of a very little time afterwards.

I forgot to ask you, whether Mr. Watson had any thing in his hand at the time you met him?—Yes, he had his dirk-stick; but it was not drawn.

Did you and Keenes go on together?—We did.

Did you get into Cheapside?—We did.

I suppose you then conversed with Keenes about what had taken place at Spa-fields?—Yes, I did; he told me he had been in the waggon, and he was afraid he had left the blanket and balls in the waggon.

Did he tell you what had become of their standard?—No, he did not. I did not ask him.

As you and he were going along Cheapside, did you meet any person going to Spa-fields?—We met Mr. Hunt going in the direction for Spa-fields.

Did Keenes and you stop him? How was he, in a carriage or how?—He was in his tandem.

Did either of you stop him?—I stopped him, and asked him the reason that he was so late; he asked me what was the matter? I told him I understood that young Watson had taken away a part of the men, and was going to attack the Tower.

Lord *Ellenborough*.—This has two objections; it is not evidence, and it is not material.

Mr. *Gurney*.—Did you look at the clock?—Yes.

What time was it?—A quarter before one.

What was the time he was to be there?—One o'clock.

Did you go on towards the Tower?—We went on down Mark-lane, and stopped to have something to drink at a public-house.

Did you, in your way through the city, see young Watson?—No, not in my way down; on my return I saw young Watson close to the Bank, at the back of the Exchange.

You were at this time before him?—I was a long way before him; I returned and met him at the Exchange.

Was the mob with him?—The mob was with him.

What had he in his hand?—He had a sword drawn.

What was he doing?—He was encouraging the mob to follow him; and great numbers were firing in the air; there might be about two hundred men and boys; they had guns and pistols.

Did he then proceed?—Yes.

Which way did he then go?—He went towards Bishopsgate-street; I went with them into Bishopsgate-street; then he turned to the left and I to the right.

Did he go towards the Minories, or any other way?—He turned down Bishopsgate-street.

That would lead to Houndsditch?—Yes; and I turned to the right with Keenes, and went by the India House, and met him at the top of Houndsditch.

When they got to the Minories, who was at the head of them?—Young Watson; he went to a shop a door or two down the Minories.

What shop was that?—A gunsmith's, which he and I had looked at before.

Was the shop open or shut?—It was shut very close.

What did he do?—He rapped very violently, and could not gain admittance; upon that some of the mob said there was another gunsmith's lower down; he told them to follow him; he said he knew where there was another gunsmith's shop.

Did they go lower down?—They did.

What was done there?—The shop was broken open.

What was done?—All the arms brought out; such as guns, pikes, swords, and pistols.

While this was being done, was young Watson with them?—He was standing close by the

door, encouraging of them to bring out the arms.

Did you then see this Mr. Watson among them: the elder Mr. Watson?—I did; and Thistlewood and Preston both.

What had the elder Mr. Watson in his hand?—A dirk-stick drawn; the dirk in one hand, and the remaining part of the stick in the other hand.

What had Thistlewood in his hand?—A pistol.

Preston, you say, was there also?—Yes; but I did not notice whether he had any arms in his hand or not.

Was Keenes there?—He was there at a distance; he did not come to take any active part whatever.

Did you see young Watson in the gunsmith's shop?—I did; I saw him come out; he had then got a fresh sword, a white belt and buckle on, and a sword drawn in his hand.

Did the mob proceed then to any other gunsmith's further on?—They did to another gunsmith's on the right-hand side.

Nearer to Tower-hill?—Yes; that was broken open.

What was brought out there?—There were two small brass field-pieces; a great quantity of guns, swords, pistols, and ammunition.

Lord *Ellenborough*.—Do you know the name of this gunsmith's?—No, I do not.

Mr. Justice *Bayley*.—How far from Tower-hill?—It is close by; within a door or two; I believe it is on the hill; it almost faces Petticoat-lane.

Lord *Ellenborough*.—By the description yesterday, one should suppose it to be Rea's.

Mr. *Gurney*.—Yes, my lord; I suppose it to be so. At the time this was going on at this former gunsmith's, was Mr. Watson the elder there?—Yes.

And the younger?—Yes.

Who else?—Thistlewood, and Preston, and Keenes. I did not see any more at all.

Were there any sailors among the mob?—Yes, there were; one sailor in particular.

Did any persons give any directions to the sailors to do any thing?—Yes, to load the pieces.

Who?—Both the elder Watson and the younger called out to save the ammunition for something better; not to fire it away in waste.

To whom was this said?—To the mob; they were firing in the air at the time.

Did any of the sailors do any thing respecting those field-pieces?—One of them began sponging it and loading it.

Did any person direct him to do so?—I will not be positive to say.

Did you then see any person go towards the Tower?—Yes, I did.

Whom?—Thistlewood and the elder Watson, as close to the rails almost as they could get.

What did they, or either of them appear to

you to do?—They seemed to be addressing themselves to the soldiers.

The soldiers; where?—Without the walls of the Tower.

You mean across the ditch?—Yes; across the ditch.

Were you near enough to hear what they said?—I was not near enough to hear distinctly what the conversation was.

Did they then return to the Minories?—Yes, they returned up the Minories.

Did the mob and they proceed together up to the Minories?—Yes, to go to Spa-fields to get a greater force, as the soldiers did not seem to take any notice of them.

A Jurymen.—How near were you to them as you could not hear them?—Very probably thirty or forty yards.

Mr. Gurney.—Were you behind them, or how?—I was behind them.

A Jurymen.—Was there much noise at the time?—Yes, a great hallooing; I could not distinctly hear what it was.

Mr. Gurney.—That noise was near you, I suppose?

Mr. Wetherell.—I beg your pardon, that is not proper.

Mr. Gurney.—The first intimation is quite sufficient; I have been very careful to avoid objection. Where was this noise?—It was on the hill; I was in the midst of it.

How far were you from this gunsmith's shop?—Not above twenty yards.

How was Thistlewood dressed on that day?—He had got a long great coat, a blue coat, white pantaloons, and top boots; a long brown great coat.

Pantaloons and top boots?—No, not pantaloons; white small clothes and top boots.

A Jurymen.—Were you near enough to see which was speaking?—Both of them.

Both at the same time?—Both of them were addressing the soldiers.

How is it possible you can answer that when their backs were towards you, and you say you could not hear them?—I could see them very plainly.

But you could not see their visage with their back towards you?—Their back was not towards me; it was like sideways.

Was there any assemblage of people round them?—A great quantity.

At the time they were addressing the soldiers?—No; the mob was ten or fifteen yards from them.

Were they surrounded by any persons?—Very few indeed; they stepped forward before the mob towards the rails.

When they advanced from the mob, did you hear them invite the mob to follow them?—No; they addressed the soldiers.

Did you see what number of soldiers there were upon the parapet at that time?—Yes,

very few; I suppose there were not more than forty or fifty at this time.

Could you see forty or fifty?—Yes.

Mr. Gurney.—You say they then returned, going up the Minories?—Yes.

In going up the Minories, did anything take place?—Yes; one of the wheels of the small field-piece came off.

When you got near the top of the Minories, what happened?—Young Watson stopped them, and wished them to form themselves.

That was when the field-piece broke?—Yes. What happened then?—We got within a little distance of the top of the Minories, and then thirty or forty horse-soldiers made their appearance.

Upon the horse-soldiers making their appearance, what did the mob do?—The greater part of the mob threw down their arms and ran away.

What did you do?—I walked forwards till the soldiers had passed me with a great many hundreds of people.

You walked forwards, as if you had nothing to do with it?—Yes, I did, till the soldiers had passed me.

After that, where did you go to?—I returned back again.

Where did you go to?—I turned down towards Tower-hill.

Did you go into any public-house?—Yes; I went towards Mark-lane, and went to a public-house and stopt till nearly dark.

Having stopt till nearly dark, did you go to No. 1, Dean-street?—I did.

At about what time did you arrive there?—It might be about six, or half-past six o'clock.

Whom did you find there?—I found there the two Watsons, Preston, and Thistlewood.

After you arrived there, did the elder Watson begin doing any thing?—When I arrived there, the elder Watson had got a dirk-stick in his hand.

Did he begin doing any thing?—Yes; he began packing up his linen, as if they were going away.

Did you inquire where they were going to?—I did.

Who answered you?—Thistlewood.

What did he say?—He said they were going a little way into the country, as they had got a house there to issue from in the course of a day or two.

Did you inquire after any of the party that were absent?—I did.

After whom did you inquire?—I inquired what had become of Hooper.

Who told you?—Thistlewood; he said he was taken with the colours, and some of us must expect to be taken.

Did Thistlewood say any more?—He asked me whether I had shot my pistols off.

Did he say any thing more about the day?—Yes; he said they were going a little way in the country, and we should hear from them in a day or two, at the Red Hart, Shoe-lane, in

the name of John Williams. I asked them if they had shot their pistols off, and whether they had shot any body; young Watson said he did not know.

Was any thing said about the Tower?—Thistlewood said he was perfectly well satisfied now that the people were not ripe enough to act.

What more did he say?—Nothing particular that I recollect at the present moment; a very little while afterwards the two Watsons and he went away.

You told me before, that something was said about the Tower. What was said about the Tower, or the soldiers there?—I do not recollect any thing particular.

Very well. Then the two Watsons and he went away together?—They did.

At about what time was this?—At about seven, or half-past six; I cannot exactly say; I stopped in the public-house while nearly dark.

What was done with the things that were in the house, besides what Watson took away?—The key was left with Preston's daughter for her to fetch them away to No. 9, Greystoke-place.

The key of Dean street was left with Preston's daughter?—Yes, it was.

Lord *Ellenborough*.—Mr. Wetherell, I would put to you, whether you would choose to begin your cross-examination now.

Mr. *Wetherell*.—I am quite sure that your lordships will perceive my cross-examination must run into considerable length. As this witness is described in the list of witnesses to come out of custody, it may perhaps not be an unusual request that I might make, that he should have no access till he is cross-examined to-morrow morning to any person whatever, except his gaoler and his guard. He is described in the list of witnesses as coming out of custody, consequently I submit, with great humility to your lordships, that it is a very proper request that he should have no opportunity of seeing notes of what passed, nor have any opportunity of conferring with any person whatever who has been present; and that no written paper or note whatever should be shown to him. And after what has passed, I think I do not make to your lordships an improper or unreasonable request.

Lord *Ellenborough*.—I wish that you should have the power of examining him to-morrow under the same circumstances as to day; but it is not usual to make a rule upon this subject, therefore I rather wish you should address yourself to the attorney-general. Do not understand that the application to you about chusing whether you will go on now or to-morrow morning, was made from any other reason than a view to your personal accommodation and due attention to your case; I am ready to go on now with perfect satisfaction.

Mr. *Wetherell*.—Then I will take the liberty of putting a few questions to him now.

Mr. *Attorney General*.—My lord, I am sure it will be precisely the same, whether Mr. Wetherell proceeds now to cross-examine this witness, or whether he proceeds to-morrow morning. But I should think, with great deference to your lordship, if he continues his cross-examination to-morrow morning, he should begin it to-morrow morning; as to there being no access to his person, so far as by any possibility that can be enforced by directions, I will undertake that no person shall have access to him, and that he shall not receive any written paper or notes. Beyond all doubt, as far as I can enforce that (and I believe those orders will be obeyed) it shall be done.

Lord *Ellenborough*.—I have no doubt of it.

Mr. *Attorney General*.—It certainly shall. I will give most peremptory directions.

Lord *Ellenborough*.—I rather believe that the attorney-general is right in insisting that if you begin with your cross-examination you should finish it.

Mr. *Wetherell*.—In answer to the attorney-general's argument, I would submit that as your lordships lay down the rule of sitting till six or eight, if my examination should proceed longer than that time, it is not to be supposed that I should not be permitted to resume it to-morrow morning, as my friend Mr. Gurney's examination has taken up already eight or nine hours.

Lord *Ellenborough*.—Certainly; you shall not be prejudiced.

Mr. *Justice Bayley*.—This is very near our time of adjourning.

Lord *Ellenborough*.—I rather think that the attorney-general is right in saying, if you begin you should go through.

Mr. *Wetherell*.—That would occupy the night, my lord.

Lord *Ellenborough*.—Well, we must furnish what bodily strength we can.

Mr. *Wetherell*.—I shall be very ready to go on for a quarter of an hour, or half an hour.

Lord *Ellenborough*.—With respect to the person who is under examination, it is our duty to see that he is in a proper state of body; not so totally exhausted, as to be unfit to give his evidence. I certainly never remember so long an examination on any trial.

Mr. *Wetherell*.—My lord, I will postpone—

Lord *Ellenborough*.—You are master of our time, Mr. Wetherell; you shall be welcome to do as you please.

Mr. *Wetherell*.—After the fatigue the jury have sustained, that consideration, among many others, would operate upon me, as well as the fatigue your lordships have undergone; probably some of the jury, who have put ques-

tions upon certain parts, would wish to repeat them, or to propose others.

Mr. Gurney.—That is very unusual indeed, until after all the counsel have done—

Mr. Wetherell.—Under all the circumstances I think it will be best for me to request of your lordship, to begin the cross-examination to-morrow.

Mr. Attorney General.—I do assure your lordship, that every possible direction shall be given, that no person shall have access to the witness.

Lord Ellenborough.—I have no doubt of it ; and I thought it best, that it should be an application to you, than that a rule should be laid down by the Court, which might furnish a precedent in other cases, which might be improper.

A Jurymen.—My lord, we are desirous of being at liberty to take a short airing round the place where we are, at six o'clock in the morning, with the officers.

Lord Ellenborough.—I shall be very glad to do any thing for your ease and accommodation.

A Jurymen.—I am afraid, if we are confined in the house and in the court, your lordship's time will be taken up in a very different way, for some of us will need a doctor ; it is not our wish to go out of the company of the officers.

Lord Ellenborough.—No, I understand you perfectly.

A Jurymen.—If your lordship pleases, in the Park.

Mr. Justice Abbott.—We will not at present say where.

Lord Ellenborough.—I will give directions to afford you such accommodation as, consistently with keeping you apart from all persons, will effect your object.

A Jurymen.—We are perfectly satisfied ; we are obliged to your lordship.

[Four Officers were sworn to attend the Jury.]

Mr. Wetherell.—May I request of your lordship, that some person may be sworn to prevent access by writing, or by person, with this witness ?

Lord Ellenborough.—That would be doing that which I think I have no right to do. You must rest satisfied with the pledged honour of the attorney-general, that he will take such means as he can.

Mr. Wetherell.—I merely have to request, then, that the attorney-general will permit some person to be appointed to watch him.

Mr. Attorney General.—What can I say more than that the most positive directions shall be given ?

Lord Ellenborough.—The man is a prisoner

now. If you have any mistrust, or any uneasiness upon the subject of access to this man, I will sit here whatever may be the hour of the night or the morning, to take his cross-examination.

Mr. Wetherell.—After what has passed with my learned friend, I have not the least.

Lord Ellenborough.—I think you may be more sure, from the pledge that is given you, than any orders which may be given.

Mr. Justice Abbott.—You may ask in the morning, whether there has been any communication.

Mr. Sergeant Copley.—We are perfectly satisfied, my lord, on the communication we have had.

Mr. Justice Abbott.—I had no doubt you would be.

Lord Ellenborough.—We will proceed at nine o'clock to-morrow morning, gentlemen.

COURT OF KING'S-BENCH,

Thursday, 12th June, 1817.

[James Watson was set to the bar, and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.]

John Castle called again, cross-examined by *Mr. Wetherell.*

Are you the John Castle lately abiding at the house of Richard Angel, in Princes-row, Newport-market, in the county of Middlesex, now a prisoner in Tothill Fields Bridewell, in the same county, whitesmith ? is that your description ?—Yes.

Since you were yesterday examined in Court, have you conversed with any person, and whom ?—With no person whatever.

Attend to the question ; have you conversed with any person, and with whom, upon any question put to you in this case yesterday ?—I have not.

Have you read or seen any paper written or printed, relating to the subjects which passed in this Court yesterday ?—I have not.

You are described to be a prisoner in Tothill Fields Bridewell ; how long have you been a prisoner in that custody ?—Since the 9th of February, I believe.

Upon what charge are you committed there ?—Upon High Treason.

Upon the same High Treason as the prisoner Watson is tried for ?—I was.

Do you recollect the precise day of your commitment ?—It was on Sunday, I believe ; Sunday the 9th, to the best of my recollection. Sunday the 9th of February ?—I believe it was.

Had you been in any other custody prior to your commitment to Tothill Fields Bridewell ?—Not on this charge, I had not.

When were you first arrested upon this charge?—On the Sunday morning the 9th.

That was the 9th of February?—It was.

Have you had a promise of pardon in consideration of your giving evidence against the prisoner Watson?—I never wanted any pardon; I have never committed any thing to want any pardon.

Not any thing that wanted a pardon?—No.

That is not an answer to my question: have you had a pardon promised to you, whether you wanted it or not?—I wanted no pardon. I have had a question put to me, whether I have been ever committed or ever tried for any thing.

Have you had a pardon promised you, in consequence of your disclosing the truth upon this trial?—I have not.

By no one?—By no one.

You said, you did not want a pardon upon this treason; explain to these gentlemen what you mean by that?—I have never committed any thing which requires a pardon; I have never committed any thing but what all the country knows of, and what I shall be able to give your lordships and all the gentlemen of the jury an account of; therefore I challenge you, sir, to bring all you can against me.

You have committed no treason?—I said no such thing; if you will permit me to recollect myself, I will answer any question you may put to me.

Explain to the gentlemen what you meant by saying, you wanted no pardon in the matter now in question?

Mr. Justice Abbott.—He has not said upon the matter now in question.

Mr. Wetherell.—The question was put with reference to the matter now before the jury. Explain what you meant by saying you wanted no pardon?—I was not referring to the present charge of high treason, I was referring to other things that I dare say you are in possession of.

I am in possession of a great many?—I shall be able to give you a satisfactory answer as to them.

Then you meant to say you did not want a pardon, not for this but for other matters?—I had no pardon offered me, neither did I know that the high treason was withdrawn, not till such time as my evidence was taken before their lordships; the moment I was brought to the Secretary of State's office, I communicated every thing to their lordships.

Do you mean to say, that before that or after that, no offer of pardon was made to you? look to those gentlemen?—No, there never was.

Neither directly nor indirectly?—No, neither directly nor indirectly.

You have alluded to the Secretary of State; did you say you would communicate every thing you knew, without an offer being made to you of pardon?—I did; there was never any offer of the sort proposed to me.

Do you mean to say, that the subject of pardon has not been mentioned to you in any way?—Yes, since.

Tell us what has happened since?—No further than Mr. Nodder was the person that first informed me.

Who is Mr. Nodder?—Mr. Nodder, in whose custody I am; he was the first that communicated to me that the charge of high treason was withdrawn; and I heard nothing of it from the Secretary of State, or any person that I have communicated with.

If the charge was withdrawn, why were not you released out of custody?—That I do not know.

You never applied to be discharged out of custody?—I did not.

You have never applied to be released, though the charge against you was withdrawn?—I have not.

Why are you kept in custody now, and why do you come out of custody?—That, it is not in my power to explain; I never asked the question, nor it was never put to me why I was kept there.

Have you been since your confinement in close custody in Tothill Fields Bridewell, or have you been walking about this town with an officer?—I have been out with an officer.

When walking about with the officer, have you chanced to call on any of the persons who have been examined upon this trial as witnesses?—I do not know who have been examined.

Do you know a person of the name of Bentley?—Perfectly well.

Does it so happen, that since you have been in custody, you have been with a sheriff's officer to that man's house?—Never; nor have I spoken to him. Seen him I have.

Have you not been to his house?—I have not.

But you have talked to him?—No, I have not; I chanced to see him when I was going into the grand jury room, by accident.

Which grand jury room?—Just round here.

Did you speak to him?—No, I did not.

Where did you go to in the custody of the officer?—To the different public-houses where I had been originally.

You went round with an officer to the different public-houses, an account of which you have given?—Yes.

Did you go to the public-house near Drury-lane?—Yes.

Did you go to Greystoke-place?—No, I did not.

Did you go to the public-house called Risdell's, or Randall's?—Yes, we did.

You could not find it out, I believe?—Yes, I did; I did not want to search it out.

Did you go to the public-houses at Paddington where you saw the navigators?—Yes, I did.

How many?—Two.

Did you go to the Canteen, as you call it, at the Horse-guards?—No.

Did you happen, in the course of your walks, to meet with a person of the name of Crisp?

—Yes, I did.

I mean the Mr. Crisp who is not to appear as a witness here?—Yes, I know who you mean.

I mean the brother of the Mr. Crisp, whose name appears upon the list of witnesses?—The brother of Mr. Crisp.

Had you any conversation with him?—No, I saw him by accident.

Mr. Justice *Abbott*.—What is his name?—George Crisp.

Mr. *Wetherell*.—Did you tell him the situation you were in?—No, I did not.

Did not he see you with the officer?—Yes, he did.

Did not he know from circumstances that you were in custody?—I cannot say.

Did not he see the officer with you?—He saw a person with me; I do not know that he knew he was an officer.

Did not he know you were in custody?—Upon my word, I mean upon my oath, I do not know that he did; he did not take any notice to me that he knew he was an officer.

Did you tell Mr. Crisp, that if he went to Bow-street it might be convenient?—I told him I wanted to see his brother; but if he went to Bow-street, and inquired for Mr. Stafford, Mr. Stafford wanted to ask him about a petition that he wrote; that he was employed by me and Dr. Watson to write.

Mr. Justice *Bayley*.—A petition which you and Watson wanted him to copy?—Which he did copy.

Lord *Ellenborough*.—You said, that Mr. Stafford would see him?—That Mr. Stafford would speak to his brother, if he went to Bow-street.

Mr. *Wetherell*.—Did you desire George Crisp to communicate this to John Crisp?—I did, to endeavour to find him.

Is Mr. Stafford the gentleman who is clerk or officer in the police office?—Yes, he is.

Had any one desired you to send Mr. Crisp to Mr. Stafford?—No, nobody; I sent him on my own account.

Did you desire George Crisp to tell his brother, that it might be to his advantage to go to Bow-street?—Yes, I dare say I did.

Have you any doubt of it?—No, I have not. I did. I asked him if his brother had got employ; and if he went to Mr. Stafford, no doubt it would be to his advantage.

That if his brother wanted employ?—No; I asked if his brother was in employ.

What do you mean by being in employ; how could Mr. Stafford assist him if he was in employ?—I merely put that question to him, knowing that he was out of employ at the time he wrote this petition.

Knowing he was out of employ at the time he wrote this petition, you told him that if he went to Mr. Stafford he might get employ-

ment; upon your word or your oath, did you not?—No, I did not. Which way was Mr. Stafford to give him employment? I asked him, whether he was in employ; and if he went to Mr. Stafford, very likely it might be to his advantage.

You told George, that if his brother John went to Mr. Stafford, whether in or out of employ no matter, it might be to his advantage?

—Yes, I did.

Did you not desire George Crisp to tell his brother that you had derived some advantage?

—No, nothing of the sort.

No intimation of the sort?—Nothing of the kind.

Did you not tell him you had been better off since the Spa-fields business took place?—Nothing of the kind; not the least.

Only, that if he would go to Mr. Stafford, it might be to his advantage?—Yes.

Now we will go back to the public-houses. What other places have you been to besides Paddington?—A public-house or two in Long-Acre.

Is that one of the public-houses you had been to here?—Yes.

Have you been down to the Tower since?—Yes.

What led you down to the Tower?—To find out a person that was there at the time when we were treating the soldiers with beer, and shewing the cockades.

Did you find that man out?—We found the boy out.

A boy is not a man, did you find the man out?—Yes.

What is his name?—I do not know, but I believe he keeps the sign of the Pumpkin.

You endeavoured to find out the man to whom you gave the cockades?—No, I did not say that; the man who kept the tap called the Stone Kitchen, where we had shown the cockades to the soldiers.

Having gone there to find out this man, did you find out this man?—I did.

What was his name?—His name I do not know, neither did I hear his name.

Did not you ask his name when you found him?

Mr. Justice *Bayley*.—Did he say he found him or not?—By the information of the man who kept the place, we did.

Mr. *Wetherell*.—Where does he live?—He lives at the sign of the Pumpkin, close by Mark-lane.

Have you no recollection of his name?—No, I have not.

Be so good as to look and find his name, it will not take you long.

Mr. Justice *Abbott*.—Is that the list of witnesses you have put into his hand?

Mr. *Wetherell*.—Yes, my lord.

[The Witness looked over the list].

Mr. Justice *Bayley*.—This will be a work of great time.

Witness.—I cannot find it, neither can I think of the name; it is impossible for me to think of the name.

Mr. Wetherell.—A person of this supposed name keeps what public-house?—The Pumpkin.

The Pumpkin in Mark-lane?—Somewhere near Mark-lane.

Who was the officer who walked round with you?—Mr. Stafford and one Salmon.

Then there was not an officer, but a duality of officers, what we call two?—Yes.

When you met Crisp, was Mr. Stafford with you?—No, he was not.

Have you not stated, when you went down to find the man at this Pumpkin house, that you had delivered cockades, or endeavoured to deliver them at this house?—We had never intended to deliver them at all: we had only shewn them at this house.

You had stated to Mr. Stafford, that you had shewn cockades at that house?—Yes, I had.

And when you went down to the house, you could not find where the house was?—Find where it was! yes, we could, for we went directly to the house, to the Stone Kitchen where we had shewn them.

But when you got to the Stone Kitchen, you could not find the persons who had seen them?—We found that the persons had removed; the landlord had left, in consequence of a change of the regiment.

Why did not you follow the landlord?—So we did; he had removed from the Stone Kitchen to the Pumpkin.

Did you find him at the Pumpkin?—Yes.

What did you say to him?—He said, he did not recollect seeing any thing of the kind.

You had stated to Mr. Stafford, that you had shewn cockades in this man's presence?—No, I did not state any thing of the kind; I stated to Mr. Stafford, that we had shewn cockades in the tap; I did not know that this man kept the tap, nor I did not know his name, nor what he was.

When you got down to this man, he said, he recollected nothing of the kind?—Surely he did.

Did you make any inquiries for any other persons, whom you stated to be present, when the cockades were shown?—Yes, we did.

For whom did you make inquiry?—For a person that went by the name of Old Mary, and a boy.

What other public-house did you go to after this?—We went to the Black Lion, I think it is called, in Vinegar-yard.

Whom did you see there?—We saw the landlady and a boy.

What is her name?—I do not know.

Your memory was very good yesterday; you remembered Mondays, Tuesdays, Wednesdays, and Thursdays, and nine and ten o'clock, as good as an almanack; do you mean to say, you do not remember her name?—I do not remember her name; I remember the sign of the house.

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What did you say to this landlady?—I went and asked her, whether she remembered any person giving away beer, and sticking up bills in her house.

Lord Ellenborough.—Is this Old Mary?—No; the landlady of the Black Lion.

Mr. Wetherell.—What is her name?—I do not know.

Is it in the list of witnesses?—I cannot say, I never saw that.

Do you mean to say, you never saw it, either written or printed?—I never did.

What did you ask her?—I asked her, whether she recollected any person giving away beer to soldiers, treating the soldiers, or sticking up bills in her tap-room.

What did she say?—She said she did recollect something of the kind; but she would call her boy.

She said she did recollect something of the kind; but she would call her boy?—Yes; that he always served the beer in the tap-room, and he would recollect it.

What public-house did you go to next?—I believe the next we went to was one Newton's, in Long-acre.

What did you state to Mr. Newton?—We wanted to know whether Mr. Newton recollected me; whether he knowed me. He said, perfectly well.

Where did you go to next, from Mr. Newton's?—We went from that over the water, I believe.

Where to?—To a person whom Mr. Thistlewood and me had been to, to hire a waggon, or a mountebank stage.

Windermude?—No, not Windermude; the person who had the mountebank stage.

Without going through all this at large; did you go two or three days with Stafford, or any other public officer, to the witnesses who have been examined on this trial?

Mr. Justice Abbott.—He has already told you he does not know who were the persons who have been examined; these are terms therefore which he cannot adopt.

Lord Ellenborough.—He has said he does not know who have been examined, nor seen the list of witnesses.

Mr. Wetherell.—I beg your lordship's pardon; he has so. Did you go round with Mr. Stafford to collect evidence for this trial?—No; I did not know what Mr. Stafford was taking me round for; it was not said to me.

Do you mean to say, that you did not know that Mr. Stafford took you round to collect together evidence on this subject?—Mr. Stafford did not communicate to me what his object was.

Do you mean to say, that you did not go to make inquiries as to evidence to be laid before this court?—The names I had mentioned to Mr. Stafford, and the places I had been at; he asked me, whether that was the house, or

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these were the people; but he did not tell me the reason that I was taken round.

And you could not exercise a shrewd guess what it was for?—That rests with myself.

You had a little satisfactory notion that it was for that?—My intellect was not quite so weak as that.

Did you know that Stafford was taking you round, to beat up for inquiries upon this subject?—I did not know for what purpose it was.

Upon your oath, man, upon your oath.

Lord *Ellenborough*.—The witness must have an opportunity of giving his answer; there must be justice done to the witness, as well as to the counsel.

Witness.—I beg pardon; I will answer every question, to the satisfaction of your lordships and the gentlemen of the jury.

Mr. *Wetherell*.—Did you not believe when you were taken round by Mr. Stafford and the other person, that you were taken round to procure information upon the subject of this trial?—I never had any communication on the subject.

That is no answer to the question. Did you not believe it?—Certainly, I did believe it; I could not be so weak as not to suppose what it was for.

Then why did you not state so before? Before I go on any further with you, I shall ask you a question or two; you are described to be a whitesmith?—I am.

How long is it, since you have left off the trade of a smith?—That I cannot exactly tell you, not to a year or two.

When was the last piece of smith's work which you did, with the exception of the pike-heads? Now do not be in a hurry, but give an answer to that question?—Not for these twelve or fourteen years; I have not worked at my business these twelve or fourteen years.

You have done no job at smith's work for twelve or fourteen years, except making this pike-head?—I have done jobs for myself, but not to work for shops.

At what shops have you done any work for any body?—Shops I have worked for.

What work have you done for yourself, or for any shops, for these fourteen years?—I have been in business at Harwich.

In iron work I mean?—Of iron work I have done nothing, except two or three little jobs for myself.

What sort of jobs?—Repairing a lock, or any thing of that kind, for my own use.

With the exception of these two or three little jobs for yourself, you have never done any smith's work lately, except this pike-head?—I did not make this pike-head.

Which you spoke about yesterday?—I spoke about one.

You have alluded to Harwich; you have left Harwich sometime, I believe?—Yes, I have.

In what way of business were you before your connection began, or your acquaintance began, with Mr. Thistlewood, and Mr. Watson, and the other prisoners?—I was in the figure-making way.

What do you mean by the figure-making way?—Such as figures for children, what they call paper dolls, which I took up myself.

Where did you live?—At No. 5, Newton-street, Holborn.

That was your actual employment when your acquaintance with the prisoners began?—It was.

Did you not state to some of the prisoners, that you were in great distress when your acquaintance began with them first?—Yes, I did.

Were you in great distress?—Yes, I was.

Were you ever in commitment before this time?—No.

Never?—No, never.

Upon no charge whatever?—Commitment do you say? Yes, I was.

Were you ever at such a place as Guildford, in the county of Surrey?—Yes.

How many times have you been in commitment or in custody before the present occasion?—Twice.

Mr. Justice *Bayley*.—Both times at Guildford?—No.

Mr. *Wetherell*.—Where were you in commitment?—Once at Abergavenny.

Where was the other time at?—At Guildford.

We will take the home circuit first, and then we will go on the Welsh circuit. What were you committed for, for which you had occasion to go to Guildford?—I dare say you perfectly well know.

But I must take the liberty to ask you; we had better have it from you than from me?—For putting off bad notes.

Is not that what is commonly called a forgery?—No, I never understood it was.

Or uttering forged notes; is that the better way of putting it?—Yes; uttering forged notes.

You told me first, you never were in commitment; when you gave me that answer, did you not recollect you had been twice in commitment?—I understood you different; was I ever tried.

My question was, were you in commitment?—I misunderstood it.

You made a distinction between commitment and tried?—Yes, I did.

You were not tried at Guildford?—No, I was not.

What happened that you were not tried?—I was admitted as evidence.

The same accident happened at Guildford, as has happened upon this occasion?—Yes it did.

Namely that you were committed upon a charge, and afterwards became a witness against the persons committed upon the same charge.

is that so?—Be kind enough to repeat it, I cannot understand you.

Did the same accident happen at Guildford as has happened here? namely, that you became upon that occasion, as you are at present, a witness against persons committed upon the same charge as yourself?—It did.

What became of the man against whom you were witness at Guildford?—What became of him? he suffered the laws of his country.

Did he die upon the scaffold as a victim?—I was informed he did.

Have you a doubt that he did?—No, I have not.

When was this transaction, Mr. Castle?—About three or four years ago.

What was the name of this unfortunate man?—Davis.

At whose suit were you committed?—At the suit of the Bank.

Of the Bank of England?—Yes.

Did you make any and what bargain with the Bank of England, before you were admitted as a witness?—No, I did not.

Had you no promise of pardon for being a witness against the man that was hung?—No, none whatever.

What was your expectation upon the subject?—As soon as we were apprehended, I told them I had been innocently dragged into it, and that I would communicate the whole of the circumstances, which I did.

That you had been dragged into it innocently, and that you would communicate the whole of the circumstances?—Yes, where we got the whole, where we got the forged notes from.

Were you innocently dragged into this transaction?—Yes, I was.

What age are you?—Between eight and nine and twenty.

Are you not more than that?—No.

Do you know a person of the name of Greenaway?—Yes; I did know a person of the name of Greenaway.

Mr. Justice Bayley.—You have not given us the date of this transaction.

Mr. Wetherell.—It was three or four years ago, was it not?—Yes, it was.

Now I am coming to another transaction, of a person of the name of Greenaway; about the same time were you a witness against Greenaway?—Yes, I was.

What was the charge against Greenaway?—Greenaway was with me when I was apprehended.

Greenaway was taken when he was with you?—He was.

Was he more fortunate than you, upon that occasion?—I do not know what you mean by being more fortunate.

Did he suffer under the sentence of the law, or was he transported?—He pleaded guilty, and was transported.

You were the only bird of the covey that escaped; there were three of you?—There were.

One underwent the sentence of the law, the second was transported, and the third is now present in this court; that is so?—Yes, it is.

Speak a little louder if you please. Whom did you work for last in your business, did you say?—The last that I worked for in my business was at Doncaster, for one Mrs. Angell.

How long ago was that, sixteen or seventeen years ago?—About fourteen years ago.

Before that time where did you work?—I worked where I was apprentice.

How long did you work there?—I worked there at twelve or fourteen when I was apprentice, quite a child, I was brought up there.

You worked there at twelve or fourteen?—Yes; I was brought up there as a child.

Will you state to the jury, that you are not more than four and twenty?—I said eight and twenty, I do not know to a year.

You do not know your own age?—Not exactly.

Why did you speak to your being only eight and twenty?—I believe I am about that.

Will you swear you are not three and thirty?—No, I am not.

Thirty-two?—No, I am not.

Where is the place you were brought up at?—A place called Kirby; South Kirby.

Where is that?—In Yorkshire.

Twelve or fourteen years you lived as an apprentice?

Mr. Solicitor General.—No, he did not say so.

Mr. Wetherell.—I understood him so. You will not swear to your age to two or three years?—No, I cannot.

I must now take the liberty of requesting your attendance on one of the Welsh circuits; you were committed at Abergavenny?—Yes.

On what charge were you committed there?—I was committed on a charge of taking a French prisoner.

A charge of taking a French prisoner?—Yes.

Do you mean taking or taking away?—Taking away.

Mr. Justice Bayley.—Assisting in the escape of a prisoner, I suppose?—No, preventing the escape.

Mr. Wetherell.—Preventing his escape?—Yes; I will give you satisfaction upon that.

Who was the good honest Welsh parson who committed you on that occasion?—I have forgotten his name; I have heard it.

Do you remember his telling you, that if the same thing had been committed by a commissioner of the transports, he would have committed him?—Yes, I remember that.

The good honest Welsh parson told you, that if the same thing had been committed by a commissioner of the transports, he would have committed him?—Yes, he did.

You may give any explanation of this which you may deem fit?—I became acquainted with one Warner, who gave me two letters to take out; he was in Tothill-fields Bridewell, and had written two French letters that were to be sent over the water to Buonaparte. As soon as I had got those letters, I went and communicated the circumstance to a Bow-street officer, a person of the name of Dickens.

Lord *Ellenborough*.—Where did you get those letters?—They were given to me by a man of the name of Warner, to be sent over the water.

Mr. Justice *Bayley*.—To be sent to Buonaparte?—Yes. As soon as I got possession of those letters, I, and two of the officers of Bow-street, went down to the Transport-board, where we were introduced to one Sugden, and we gave the letter to Mr. Sugden.

Lord *Ellenborough*.—Do you mean two police officers?—Yes.

Mr. *Wetherell*.—What were their names?—One Dickens; and the name of the other I do not know; we gave them to one Sugden, who was a clerk in the Transport-board. I gave him those letters, and he took them, and then afterwards he gave two written papers to one William Salmon at Bow-street; and Dickens was sent down with me to Abergavenny, to bring one colonel Pouvétté from Abergavenny to London. It so happened, that colonel Pouvétté would not come away till the first beginning of the month following; we immediately returned to London, and communicated the same to the said Sugden, and I was sent back again the same evening by myself with an order. I was sent back by the Bristol mail, to bring colonel Pouvétté from Abergavenny to London. He gave me an order, if I should be stopped or interrupted on the road, to shew to any person.

Who gave you this order?—Sugden.

Lord *Ellenborough*.—What occasioned your detention at Abergavenny?

Mr. *Wetherell*.—What were you committed for? for you say, the magistrate committed you, and you would satisfy the jury upon the subject?—I was committed for taking colonel Pouvétté away from that parol of honour; I went down, and was apprehended about eight miles from Abergavenny.

Mr. Justice *Bayley*.—You said colonel Pouvétté and you and he came away together?—Yes.

Mr. *Wetherell*.—Did you not get a cart from Bristol?—Yes, I did, by the desire of colonel Pouvétté, and a man to go with me to drive it.

Where was it you were stopped?—About seven or eight miles from Abergavenny.

What was the magistrate's name who committed you?—I do not recollect it.

You seem to recollect the man, but not his name?—I do not recollect his name; I know he was a clergyman.

Had you been told that this colonel Pouvétté was a man of considerable eminence as an artillery officer in Buonaparte's army?—Yes I had.

The first time you tried you did not succeed, I believe?—Colonel Pouvétté would not come away.

The second time you did get him away?—By his own desire; he gave me instructions how to get the cart, which Salmon, Dickens and I brought to London, and gave to Sugden.

Mr. Justice *Abbott*.—The first time you saw him, he gave you the letter of instructions?—Yes, he did.

Lord *Ellenborough*.—Did you produce to the magistrate Sugden's letter?—I did, and went to a person of the name of Jones, who was the conductor; I think they called him the person who had got the charge of the whole of the French prisoners there, and he identified it.

As being Sugden's hand writing?—Yes.

Still the magistrate committed you?—Yes, on account of not sending this person a regular notice for them to come away, a regular order.

Mr. *Wetherell*.—You got the man into the cart, and then you were committed because you had not a regular order to bring him away?—Yes, a regular order for him to come to London.

How much was offered you, if you could get colonel Pouvétté away?—No particular sum.

Who made you the offer?—One Warner.

Who was Warner?—A person who was confined in Tothill-fields Bridewell then, for taking away French prisoners.

You went to Warner in Bridewell, to converse about the plan?—Yes, I did.

Who gave you the name of this Warner; who let you into this line?—I chanced to go there to see one Kennett, who was there.

Who is Kennett?—One Robert Kennett.

Has not Kennett been hung?—Yes, he has. I understand you to say, that Kennett, whom you went to see, was hung?—Yes.

Mr. *Wetherell*.—I asked him, my lord, whether his friend Kennett was not hung?—He was no particular friend of mine.

You went into Tothill-fields Bridewell, to see Kennett, who was under conviction?—He was then under examination.

Did Kennett refer you to Warner?—Yes, he did.

How came he to refer you to Warner?—They were both there together, under examination.

Had you known Kennett before?—I had known him two or three years before.

Kennett let you into this; it was likely to turn out a good job?—No, merely going there, I was asked to take their two letters out; the two letters that were to go over to France for Warner.

What became of Warner?—I do not know; he is now, I believe, in Kent.

Has he disappeared?—I have not seen him these two or three years.

Your friend Kennett, or your acquaintance, gave you an introduction to Warner on the subject of getting Kennett off?—No, he did not; he merely desired me to take the letters out, to give to Warner's sister who was coming to town.

That led to the plan which you have mentioned?—Yes, it did.

You have said, that a person of the name of Dickins was your companion down to Wales?—Yes, he was.

Lord *Ellenborough*.—I have taken it Deacon.

Mr. *Wetherell*.—How do you spell his name?—I do not know how to spell it.

Is this Mr. Dickins the man that was examined some time ago at the Old Bailey, on those conspiracies that made some little noise?—I do not know any thing of that.

I mean the associate of a man of the name of Vaughan?—I do not know any thing of it.

Do not you know that it is the same Dickins that was discharged at the Old Bailey, as the associate of a man of the name of Vaughan, in hatching up those conspiracies?—I do not know; I have not had any communication with him.

Do not you believe it is the same?—I do not.

Lord *Ellenborough*.—How can he know this?

Mr. *Wetherell*.—My object is, to show that this man's associates are all felons, or the most base of mankind.

Lord *Ellenborough*.—This is really very irregular.

Mr. Justice *Abbott*.—Every witness who comes into court is entitled to the protection of the Court. I remember the subject being discussed at the trial of Hardy at the Old Bailey, and Mr. Erskine, the counsel for the prisoner, was informed, that there was a certain mode in which a witness should be examined.* You may put your questions and he must answer them.

Mr. Justice *Bayley*.—At present he has said that he knows nothing of Dickins being dismissed at the Old Bailey, or involved in any transactions there.

Mr. *Wetherell*.—Do you believe that the Dickins you have spoken of was an associate of Vaughan?

Mr. *Gurney*.—He has already said that he does not know any thing about it.

Lord *Ellenborough*.—It is really corrupting all justice when such prejudices are introduced.

Mr. *Wetherell*.—Now, I ask you again, whether you do not believe—

Mr. *Gurney*.—As the witness has said he

does not, I must object to the question being pressed further, after the decision of the Court.

Mr. *Wetherell*.—I will not be put down by you, Mr. *Gurney*.

Mr. *Gurney*.—I do not seek to put you down, Mr. *Wetherell*; but I hoped that after the point had been ruled by the Court, the question would not have been put again.

Mr. *Wetherell*.—I will bow to the Court, but to nobody else.

Mr. *Gurney*.—I do not ask you to bow to me.

Lord *Ellenborough*.—The Court are of opinion that the question should not be put.

Mr. *Wetherell*.—I bow to your lordship's decision. You have stated to me, that you and Mr. Watson had a private conversation, which I think you say was held at your lodgings?—Yes, it was.

I think you say you desired your wife to go out of the room?—Yes, I did; I desired the person who was in the room to go out.

Did you desire your children to go out?—I have got none.

Your expression was, that you desired your wife to go out; that you were a married man. I request that that may be read to him. The answer that he gave to me was, that he was a married man, and that he desired his wife to go out of the room.

Mr. Justice *Bayley*.—He certainly said that he desired his wife to go out.

Lord *Ellenborough*.—He certainly, according to my memory, described her as his wife.

Mr. *Wetherell*.—Did you not state to the jury, yesterday, that you were a married man, and that you desired your wife to go out?—Yes, I did.

Lord *Ellenborough*.—I do not recollect his saying that he was a married man, but the words import that, certainly.

Mr. *Wetherell*.—I have his words.

Mr. Justice *Bayley*.—I have the words, "my wife went out, I desired her."

Mr. Justice *Abbott*.—"I saw him; and my wife went out, I desired her; we were alone together."

Mr. *Wetherell*.—What age is your wife?—I do not exactly know her age.

You have no children living?—No; I have none.

Have you had children?—Yes, I have.

How many have you had?—Three or four.

You do not seem to recollect how many?—Three, and one miscarriage.

Where is your wife?—In the country.

Where?—In Yorkshire.

Do not you know her age?—No, I do not.

Having had four children by her?—No, I do not know her age.

* Vide 3 How. Mod. St. Tr. 648, 709.

Are you certain your children are all dead?
—I am.

When did they die?—About three or four years ago.

How old would the eldest have been if he were now living?—About ten years old.

Is the mother of those children dead or living?—Living.

Then she is your wife?—I do not know whether she is my wife or not; we have lived together as husband and wife.

Were you married to her in a church?—I was.

Where?—At Dover-court.

That is near Harwich?—Yes.

Two or three miles from Harwich?—Yes.

How long ago is that?—Ten or twelve years ago.

Was not her name Prickett?—Yes, it was.

Were you married at Dover-court church?—Yes.

If you were married together at Dover Court church, what do you mean by telling the jury just now, you had lived with her, or called her your wife?—I had no particular reason.

Did you not mean to intimate that she was not your wife?—I did not.

Then why did you not say she was your wife, and not a person who lived with you? what did you mean that she was, by saying a person you lived with; I put the question to you expressly?—Because I have lived with another person.

You have lived with another person since?—Yes, I have.

What is her name?—Thoms.

Mr. Justice Bayley.—Was it the wife who was in the room on Saturday then?—Yes.

Mr. Wetherell.—Was it Mrs. Thoms, or your real wife, that was in the room on the Saturday?—My real wife.

Whose name was originally Prickett?—Yes.

Was she the person who was in the room?—Yes.

You say you have lived with another person of the name of Thoms?—Yes.

Of what age is she?—She is dead.

Is there no other person that you now cohabit with besides your wife?—No.

Have you ever been married more than once? I do not mean a marriage since Mrs. Prickett's marriage; were you ever married before?

Mr. Justice Bayley.—Nor before?

Mr. Wetherell.—She might be dead. Were you ever married before you were married to Mrs. Prickett?—No, I never was.

I cannot carry the question further; did you ever make proposals of marriage to any person within these three or four years?

Lord Ellenborough.—How can that question be asked? I will put it to your own feelings; your own good sense?

Mr. Wetherell.—I will not carry it further,

my lord. I have the best evidence. Where did Mrs. Thoms live?—She lived in King-street; she is dead.

You have told us, your last employment was that of selling children's figures?—Yes.

Did you formerly live at a place called Mother Thoms's?—Yes, I did.

I do not know what sort of a place that is; where is it?—In King-street, Soho.

What is Mother Thoms?—She is a person that kept a lodging-house.

What number is it?—Thirty-two.

Thirty-two, King-street, Soho?—Yes.

You call it a lodging house, do you?—Yes.

Is it for male or female lodgers?—Female lodgers.

Are the lodgings let out for a half hour, or a month, or a quarter of an hour?—By the week.

Did she let them out occasionally for five or six minutes?—No, she did not do any thing of the kind.

Do you mean to say, that it is not a house of ill-fame?—No, upon my oath it is not.

Not Mother Thoms's a house of ill fame?—No. I do not know what use they made of it; but she never let it out for half an hour, as you please to call it.

It was a more genteel establishment?—Yes.

Do ladies live there?—Yes.

Is not this a place where prostitutes live?—

It is a place where young women take their lodgings.

Is it not a place of prostitution, or a house of ill-fame?—No, it is not.

What are those young women kept there for?—They are not kept there.

What do those young women receive visitors there for?—I do not know.

Were not you a waiter there?—No, I was not.

Were you a partner there?—No, I was not.

Is not there a person called a protector in those houses?—No, there is not.

In what character did you live there?—I lived there as her husband.

Is there not in those houses a good stout fellow called a protector?—No, not that I know of.

A bully?—Not that I know of.

Did you live in that character there, or not?—No, I did not.

What, in genteel language, is called the protector of those women?—No.

But you lived with Mrs. Thoms there?—Yes; she let her lodgings out at so much a week.

How much is her usual establishment; eight or ten?—She had three rooms, and let them out to three separate women; three different floors.

Each had a floor?—Yes.

It was not a receptacle for any prostitute to come in, but only those three who had those three lodgings?—No.

Had you any back room or back entrance for promiscuous customers?—No.

For chance customers, as they are called?—No, nothing of the kind.

Do you mean to say, that those rooms were not let out to those young women for receiving their gallants?—I do not know what they were let out for, I never interfered in the least in it.

Did the company visit it at night or in the morning?—I never took any particular notice.

Whether it was morning or evening visits?—No, there was free access whenever they pleased, for any person that they chose, I never interfered with it; they took the lodgings and paid for them.

And you did not take notice whether the chief visitors were in the morning or the evening?—No; I never interfered nor took any notice; I neither paid nor received, nor took any concern in it.

And you tell these gentlemen, you do not know whether those were rooms let out for the purposes of prostitution for those unfortunate women?—I do not.

You do not believe that they were?—I believe that they were, but I do not know.

Whose name was on the door?—My name was on the door.

You had no payment of the rent, nor any thing of the kind?—No.

Who received the rent from those young women?—She always received it herself, Mrs. Thoms.

When did you take the brass plate, with your name on it, off this door?—It is not taken off now.

How many years has it been on the door?—About a year and a half.

Mr. Justice *Bayley*.—It is there now?—It is there covered.

Lord *Ellenborough*.—A plate over it?—Yes.

Mr. *Wetherell*.—Is there the name of Thoms on the door, as well as yours?—Thoms was on the door, and mine was put on the same place; the plate was put out, and a fresh plate put in.

Is that legible now on the door?—It is not.

When was it covered?—I have not been that way for these eight or nine months, therefore I cannot say.

Where is Mrs. Thoms; does she keep the firm still?—She is dead.

You have not exactly told us where your wife is, or the person you call your wife?—I do not know where she is.

Do you not know where she has been since you desired her to retire?—I sent her into the country.

Where?—Close to Doncaster.

Is that her place of birth; you told us she came from Dover Court?—I sent her down to Yorkshire.

For what purpose?—To see my friends.

Do you know a young woman, the daughter of a baker at Brighton?—I do.

What is her name?—Streeter.

What age is she?—I do not know.

About seventeen, I believe?—Yes.

Is she more than seventeen?—I do not know what her age is.

Had you been much at Brighton before this confinement which you are under here?—I have been twice at Brighton.

Her name is Streeter, and about seventeen?—I do not know her age.

I ask about her age, seventeen or eighteen?—I do not know her age.

Having gone through the head of private or domestic history, proceed we to the topics of general history. You have told us, that on the 2nd of December you proceeded to London Bridge?—I did.

I think you said between eight and nine in the morning?—No, I did not say any thing of the kind.

What did you say?—I said, I proceeded between eight and nine in the morning to the Black Dog in Drury-lane.

Then you went from thence to London Bridge?—No, I went from thence to meet the waggon at the top of Gray's-Inn-lane, at the top of Chancery lane, I should say.

What o'clock was that, eight or nine o'clock?—Between nine and ten o'clock then.

Did you load the ammunition waggon at the top of Chancery-lane?—Load it!

Load it with the ammunition?—No, I did not; I put in the colours that were tied on the staff.

Who put the pound of powder into the waggon?—That I do not know; it was taken away by one John Keenes from the Black Dog.

Is Keenes a tailor?—Yes, he is.

Was he one of the generals on this business?—No, he was never mentioned as a general.

Was he called captain Keenes?—No, he was called only Keenes.

Did you call him Snip Keenes, or general Keenes?—No, there was no such name given him.

No nick-name?—No.

Keenes brought the ammunition?—I do not know whether he brought it; he took it away from the Black Dog.

What might be the quantity of ammunition?—There was very near half a canister full, and sixty or seventy balls.

Mr. Justice *Bayley*.—A tea canister?—No, a little powder canister.

Mr. *Wetherell*.—Half a canister is half a pound?—I do not know how much it held exactly.

Was it Dartford Powder?—It was fine powder.

Sportsman's powder?—I cannot say.

Was it a pound canister or a two pound?—It appeared to me to be a pound canister.

Do you know where this pound of powder was bought?—I do not.

Did you help to put in the powder and the balls into the stocking?—I tied them up in a dirty white handkerchief, or something which appeared like a dirty white handkerchief; the balls were in a stocking, or a stocking foot.

You put them up yourself?—I did.

Was there any more ammunition besides this

half consists of powder and balls; any more ammunition prepared to put into the waggon?—No, not that I know of.

You prepared it, therefore you can have no doubt whether it was prepared or not?—There was no more that I saw, except two or three small cartridges made with slugs.

Those we have in the indictment; two or three small cartridges, half a pound of powder, and sixty or seventy balls?—Yes.

Those you put into the waggon?—I did not.

You made them up to put into the waggon?—Keenes was desired to take them, and put them into the waggon.

You, personally, brought nothing to put into the waggon but the colours?—I did not.

After this, tell us how soon you went to the Tower?—It might be, as nigh as I can guess, about half past eleven o'clock.

Were not you at the Tower earlier than that?—No, I was not.

I understood you to say, you had been told by one of the sentries, early in the morning, that the gates were shut?—No; I said I proceeded from London-bridge to the Tower, and was told by one of the sentries there was no admittance.

That was not earlier than half past eleven?—No.

When you had put the ammunition into the waggon, did you proceed to Spa-fields?—I did not put the ammunition into the waggon.

After you had put the colours into the waggon?—I went down to No. 1, Dean-street, and assisted Keenes in wrapping up the banner, and then proceeded to London-bridge, where I was to have met the smiths.

And when you got there, there were no smiths?—No.

Not a soul?—No, none that I knew.

What smiths were you to meet at London bridge?—The smiths that came from one Hobday's or Overy's, or some such name as that, somewhere over the water.

What was the name?—I do not know.

You do not know the name of the person who had the factory; you told us yesterday you were sent down to get the smiths?—No, I did not tell you I was sent down to get the smiths.

You were to attend them to Spa-fields?—Yes, they had previously made a subscription of twelve and sixpence and brought there, but I did not ask the name.

Then the story of your meeting the smiths amounts to nothing, there were none of them?—There were smiths, but they were either gone to Spa-fields or not come, I did not see them.

Did you not say yesterday that you had reported to Watson that the smiths were likely to assist you, that there were a quantity of smiths likely to come up?—Mr. Watson had been with me to meet them when they were at dinner.

When you got there, there were not any smiths to be brought up?—No, there were not.

Can you mention the name of any of those smiths?—I do not know the name.

Can you mention the name of any smith who promised to attend at the Spa-fields meeting?—I do not know the name of any of them.

You do not know the name of the person with whom they worked?—I should know it if I heard it; it is a large iron factory over the water, Bouverie, or some such name; no, that is not the name.

Finding there were no smiths, what did you do then?—I went down to the Tower-gate.

You were told the Tower was shut?—Yes.

What did you do then?—When I found every thing was perfectly quiet there, I went up to the Minories.

You did not waste your breath in making an harangue against the Tower walls?—No, I did not.

You made no speech to the soldiers?—No, I had been with them in the Tower.

We have had that before; but this summons of the Tower: you did not, on the 2nd of December, with a loud voice, then and there demand the soldiers of our lord the king, to give up the Tower?—No, I did not.

You did not harangue the soldiers on the Tower?—No, I did not harangue them.

Finding the Tower was shut; you said, I think, they had shut the gates because there was a meeting?—In consequence of the meeting.

Which way did you go then?—Up the Minories.

Were things quiet when you passed along up the Minories?—Yes, quite quiet.

Which way did you go then?—Up to the Bank.

Did you go to the Royal Exchange?—I crossed through.

Was this before or after Hooper was taken at the Royal Exchange with a flag?—It was before; I did not know that he was taken at the Royal Exchange, till the evening.

Did you go up by the Bank?—I went up at the back of the Bank, and so up Lad-lane, and in the direction of Little Britain.

At what time did you meet Mr. Hunt?—About twenty minutes before one.

At what part of Cheapside did you meet Mr. Hunt?—Near Bow Church, I think they call it.

There was no bustle or disturbance in Cheapside or in the city?—No.

What passed between you and Mr. Hunt?

I stopped Mr. Hunt, and asked him what was the reason that he was so late. He asked me what was the matter. I told him, I was informed young Watson had taken away a party, and was gone to attack the Tower. Mr. Hunt looked round at the clock, and said that one o'clock was his time, and that it wanted twenty minutes of one o'clock yet; and that he should be there in time: and he drove off.

Is that all you stated to Mr. Hunt?—Yes, it was.

Did you say anything else to him about the Tower?—No, I did not.

Is that all that passed about the Tower?—It was; he immediately drove off in the direction of Spa-fields.

Had you any other conversation with him besides what you have mentioned?—No.

Now attend to this question before you give an answer; did you not tell Mr. Hunt that you had just come from the Tower, and add, "The Tower has been in our possession an hour, or two hours?"—No.

Two hours, or something to that effect?—No, I did not.

Or any thing to that effect?—No.

Did you say to him, the Tower was in our possession?—No.

Did you, in any way, give him to understand that the people had got the Tower?—No, I did not.

Did you give him any reason to suppose the people had got the Tower?—No, I did not.

Was Mr. Hunt in his curricule, going towards the Saint Paul's end of Cheapside?—He was coming from the Mansion House in the direction towards Saint Paul's.

Did you not desire Mr. Hunt to turn back and go with you to the Tower?—I did not. I desired Mr. Hunt to make as great haste as he could to Spa-fields, and he immediately drove off; he did not stop half a minute.

Did you say any thing to him?—Yes, I did.

Did you say any thing to him in the shape of requesting him to turn back and go with you?—No, I did not.

Which way were you walking when you met Mr. Hunt? the same way or different ways?—I was walking towards the Bank.

How came you to be walking towards the Bank?—I was going down to the Tower.

You had been at the Tower once; how came you to be going down again?—I met the elder Watson, Thistlewood, and Keenes, and they informed me that young Watson had taken a party of men from Spa-fields, and was gone down to attack the Tower; and I did not like to go with them, and went through Cheapside.

Were did you meet these persons?—In Little Britain.

Watson, Thistlewood, and Keenes had told you that young Watson, was going down to the Tower?—That he had gone.

Were Thistlewood, young Watson, and the rest armed at this time?

Mr. Justice *Abbott*.—He does not speak of young Watson being there.

Mr. *Wetherell*.—Were those persons you have spoken of, armed at that time?—I did not see any arms. The elder Watson had his dirk stick in his hand, but it was not drawn.

You were yourself at this time going towards the Tower?—I was.

What did you do with yourself after this?—I went down to the Tower with Keenes, and down Mark-lane, and there I had something to drink with Keenes, and returned back in the direction of the Bank; and when I got to the Royal Exchange, I heard a great shouting; and

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I went up the alley by the side of the Exchange, and saw young Watson with about two or three hundred men and boys.

Mr. Justice *Abbott*.—Did you say, at the back of the Bank?—No, in front of the Bank; between the Royal Exchange and the Bank.

Mr. *Wetherell*.—They were then firing in the air?—Yes, they were.

Do I understand you to have said, that you bought all the pistols which you have spoken of yesterday?—I bought two pair of pistols.

Those are all the pistols which you bought?—Yes.

And the swords?—Two swords; three swords I bought.

You bought no other articles besides those you have mentioned?—No, I did not.

Before you endeavoured to get a waggon, you endeavoured to get a stage to speak from, did not you?—Yes, I did.

Did you object to take it on account of the price?—No, we did not object to take it on account of the price, but the man would not let it.

Did you ask the man for a stage to speak from?—Yes; we asked the man whether he had any thing to deliver a few speeches from, and he said he had a mountebank stage that he would sell for eight pounds.

Who had desired you to get a mountebank stage to speak from?—Thistlewood was with me at the time.

Who had desired you to get it?—Thistlewood.

That is all you know?—I was with him at the time.

Why was a stage preferred as the best thing to speak from?—We did not want a stage particularly; either a stage or a waggon.

How came you to go after the stage?—We went to inquire for a waggon; and a stage was mentioned.

You did treat for the hire of it, and they would not let it out to you?—We offered them money, I think it was three pounds.

You have told us the arms were divided among the people for the second of December?—They were.

Were there any other arms divided or distributed besides those you have mentioned yesterday?—Yes, there was an old sabre and a dirk stick, which the elder Watson had.

That was all you saw.—It was.

Do I understand you correctly, that your meetings were from time to time kept up in Greystoke-place?—Yes.

Up to the second of December?—Yes, there, and No. 1, Dean Street.

Did you meet in Greystoke-place every day?—Most days we did, once or twice.

You met there and at Dean-street both?—Yes.

After the advertisement was put into the paper with respect to subscriptions, did any persons come to Greystoke-place to bring any money?—Yes, they did.

Who took any money?—The elder Watson.

It was known that this meeting was kept up in Greystoke-place?—Yes, it was.

How much money was collected?—I cannot say.

Was there twenty pounds?—There was a ten pound note that came at one time.

How much was the whole of your collections?—I cannot say, to a few pounds.

How near was the money that you got, tell us as nearly as you can?—Very probably there might be thirty pound collected.

Was that the full amount of it?—As nigh as I can speak; I never took any particular account of what money was collected.

You stated yesterday, that when Harrison withdrew, you were thrown into a state of alarm?—Yes, I did.

And that you resolved to have another place of meeting?—Yes, I did.

You have told us that your meetings were still continued at Greystoke-place?—Yes, so they were; after I saw Harrison, we went the very same night to Greystoke-place.

What do you mean by saying, that you held your meetings there after you were thrown into a state of alarm?—So we did.

You said that your meetings there were discontinued after Harrison withdrew?—No, I said that we went to the Blue Last, and could not have any communication there; and that we then withdrew to Greystoke-place and continued till a late hour.

What is the ground on which Harrison withdrew from the plan you have mentioned?—On account of a quarrel which took place between the younger Watson and him, going up to Seale's for the bills.

When he withdrew who was the person who introduced Hooper?—I did.

You introduced Hooper?—Yes; Hooper had been appointed in his stead.

You introduced him?—Yes.

Did you prevail on Harrison to withdraw?—By no means.

Did not you tell him if he was suspected, it was better for him to withdraw?—No, I did not.

Nothing of the sort?—No, nothing of the sort.

You know Mr. Angel, do not you?—Yes, I do.

You brought him to dine?—Yes, at No. 1, Dean-street.

That was a day or two before the second of December?—It was the Sunday, the meeting being on the Monday.

You invited him to dine there yourself?—Yes, I did.

He was a stranger to the other parties, was not he?—Not to Hooper, he was to the other parties.

Hooper and you were acquainted before?—Yes.

He was a stranger to the other parties?—Yes, he was.

Did you make any proposal to introduce him to the Committee?—No, I did not.

Had you not proposed to Angel to give you some assistance in this business?—I proposed to Angel, and gave him three shillings to make a staff for the flag.

Had you proposed to Angel to be a party in this business?—We invited him to the meeting.

You did?—Yes.

Do you mean the dinner or the meeting?—The meeting.

Mr. Justice Bayley.—To both meetings, or only to one?—Only to the last.

Mr. Wetherell.—Had you not yourself endeavoured to prevail upon Angel to join your private meetings?—Yes, I had.

Was Angel disposed to accede to that, or did he seem disposed to refuse it?—He refused it.

You could not get him to join the meeting?—No.

He declined it?—Yes, he did.

Did not you desire several others persons to join your meeting?—Yes, every one we could see.

Mention the names of any other persons that you invited to join the meeting, and who would not?—That I cannot exactly say; every one that we could light of.

Confine it to yourself?—Me myself.

Did you not invite several persons whom you could not prevail on?—I invited the two Crisps.

The two Crisps would not join the meetings?

—One of them was there, the other was not.

Mr. Justice Bayley.—By your question, do you mean the private meetings or the public?

Mr. Wetherell.—I understand the more private meetings.

Witness.—No, I did not mean the private meetings; it was agreed that no one should have any thing to do with the private meetings but ourselves.

Mr. Justice Bayley.—How many did you endeavour to prevail upon to join the public meetings?

Witness.—Every one I could get of.

Lord Ellenborough.—Did I understand you right, that you endeavoured to prevail on Angel to join the private meetings?

Witness.—No, I meant the public meetings.

Mr. Wetherell.—He said at first the private meetings?

Mr. Gurney.—No, he did not indeed.

Witness.—No, I did not mean that.

Mr. Wetherell.—Had you invited a good many to join the Spa-fields meeting?—Yes, I had.

Had you ever told any persons you would get arms for them?—No, I do not know that I had; I told Angel in particular to attend.

You did invite a great many persons to attend the Spa-fields meeting?—Yes.

Lord Ellenborough.—Was the Spa-fields meeting the only meeting you invited people to attend?—Yes.

Mr. *Wetherell*.—Did you prevail on many to go?—I do not know.

The smiths you could not prevail upon to go?—I did not see them; I cannot say whether they were there or not.

How many did you prevail upon to go?—I really cannot say.

Tell us as nearly as you can?—I do not know indeed.

There were a great many who refused to attend?—I do not know that there were; we used to give them the bills, and desire them to get as many of their friends as they possibly could.

Did you not, from time to time report that you had got a great many that would attend?—I did report every night, and sometimes once or twice a day.

Were those reports correct, or not correct?—They were correct.

You cannot tell how many you did get personally?—No, I cannot.

Did you make a pretty favourable report at most of your meetings?—It was a correct report.

Did you ever exhibit any in writing?—No, I did not.

Did you ever exhibit a list in writing, of those who would attend?—No, I did not.

Did you not say, that the smiths would attend?—Yes, I did.

How many smiths did you say would attend?—There were about five hundred smiths and persons in the neighbourhood; Preston was with me at the time.

Do you believe that five of those five hundred attended?—I do not know; I was not there.

Upon your oath, do you believe, that one of those smiths attended?—Upon my oath, I cannot say whether there were any of them; I was not there.

You cannot tell us how all the muster roll of smiths turned out that you promised for?—No, I cannot.

How large the regiment of smiths was, you cannot tell?—No.

Do you know any of them by name?—No; I know two of them by person.

You cannot tell their names?—No, I cannot.

Did you see any person attending the crowd whom you had invited to attend?—No, I did not.

Mr. Justice *Abbott*.—He was not at Spaffords?—No, I was not.

Mr. *Wetherell*.—Before the second of December, did you go about to the public houses with a tri-coloured ribbon?—Yes, I did.

Did you show that to any soldiers?—Yes, I did.

In what place?—In the Tower.

Was that in the public tap-room at the Tower?—Yes, it was in what they call the Stone Kitchen.

In the public-room?—Yes.

You did not take a soldier into a corner and

show it him secretly, but in the open room?—It was done in the open room; it was in the crown of my hat.

You went in with it in your hat?—Yes.

On the outside or the inside?—In the inside.

You took it out of the hat and shewed it to him?—Yes.

How many people might be in the tap-room?—There might be seven or eight.

I understand you to say, you did not take the soldier into a by-place, but shewed it him in the room?—It was shewn him in the room.

What said the soldiers to it?—They said it was a very pretty colour; they did not say any thing particular.

What did you say to them?—We treated them with beer; and one of them asked me to lend him six-pence; and I gave him a shilling and paid for three or four pots of beer.

Was this more than once?—Yes, three or four times.

You were at a house near Drury-lane where the soldiers were?—Yes.

Was that in the public tap-room?—Yes.

Were the soldiers in their red coats at that time?—Yes; with their accoutrements on, and attending duty at Drury-lane.

That near Drury-lane must be a pretty public place?—No, it was in a little tap-room where they went.

Was it an open room, where any person might come that chose?—Yes, any person might come to it.

Do you recollect talking to any gentleman's servant there?—It was not there, it was at Newton's.

Who was this gentleman's servant?—I do not know.

Was it Mr. Chancellor Leach's servant?—I do not know; his master was an attorney or something of that kind.

Did you endeavour to seduce Mr. Chancellor Leach's servant?

Mr. Justice *Abbott*.—When you have asked one question, and had an answer in the negative, your next question should not be framed upon that.

Mr. *Wetherell*.—Certainly not, my lord.

Mr. Justice *Abbott*.—It is quite impossible to take a note of evidence, if that is done; our note is founded upon the question as well as the answer.

Mr. *Wetherell*.—I am obliged to your lordship. Did you endeavour to seduce any gentleman's servant?—We saw a young person, and young Watson had a very serious quarrel with him; and told him that he was like a negro, that had run away, and had a mark of disrespect; and that very soon the time would come, when his master might lose his estate, and that he might be as good a man as his master. Thistlewood and the two Watsons were there at the same time.

There was a great quarrel between them there?—Yes, there was a great quarrel, and they were obliged to withdraw in consequence.

Mr. Justice *Abbott*.—Young Watson spoke of his livery as a mark of disgrace?—Yes.

Mr. *Wetherell*.—What was the quarrel between young Watson and this servant about?—Because they did not all agree about what they talked about.

Which was obliged to withdraw?—The gentleman's servants; one that was in livery, and the other not in livery.

You went to the Horse Guards?—Yes.

Where did you go to there?—To the Canteen.

Was it a public room you went to there?—Yes, it was.

Do you recollect going to dine at Bouverie-street?—Yes, I do.

When was that?—The evening of the first meeting at Spa-fields.

Who dined there?—The two Watsons, Thistlewood, Hooper, and myself.

Was that the whole of your party?—Mr. Hunt, as I understood, Mr. Clark, who was the chairman, and two or three other persons that I did not know.

How came you to dine there?—We went after the meeting; knowing that it was the place where Mr. Hunt put up at, we went up there.

Did you stay there long?—We stopped there while evening, while dark; it might be very probably about six or seven o'clock.

How late did you stay there?—It might be, very probably, about six or seven o'clock.

Be so good as to describe to us, what the attack was to be upon the Bank; you say that the Bank was to be defended by bottles and things of that sort?—Any thing that we could get hold of.

Where were you to get the things to defend the Bank with, when you had got it?—Out of the gunsmiths' shops.

You mentioned glass bottles yesterday?—Yes, we were to break into people's houses, and get bottles or pitchers, or any thing we could.

You were to throw them out of the houses?—Yes, and to throw down bricks and tiles, or any thing of the sort.

You were to get into the Bank?—Yes, we were to get into the Bank; and if there were any more than could get into the Bank, they were to get into the surrounding houses.

That was your plan?—Yes.

Where were the glass bottles to come from?—From people's houses; those that had them in their houses.

Do you recollect any thing particular happening at Bouverie-street?—Yes.

What was it?—I recollect Mr. Hunt said that he could not see the colours on account of the wind blowing, and he desired me to show them to him, and I took them out, and Mr. Hunt took hold of one end, and I of the other.

Mr. Hunt said he had not seen them?—That he could not see them distinctly, and the motto on them, on account of the wind blowing the other way.

Do you recollect giving any particular toast at Bouverie-street?—Yes.

What was it?—"May the last of Kings be strangled with the guts of the last of Priests."

Did you propose that toast?—I gave the toast; and Mr. Hunt desired me not to be quite so violent, and stopped me.

You proposed that toast yourself?—Yes, I did.

Was that all Mr. Hunt said?—I believe it was.

You believe it was?—I do not recollect any thing particular.

You do not recollect any thing about turning out of the room?—No, nor nothing of the kind was ever mentioned about turning out of the room.

Only a little hint that it was rather too violent?—Yes.

Is that the only time you have been admonished not to be quite so violent in your toasts in that room?—Yes, it was; I never gave any more toasts.

On any other occasion, has nobody ever admonished you not to be quite so violent?—Yes.

That was the only time you were ever checked for being too violent?—Yes.

Nothing was said about the company leaving the room, if you were so violent?—No, not that I recollect.

Endeavour to recollect, whether Mr. Hunt did not put it stronger than not quite so violent?

—I am not quite certain, whether Mr. Hunt might not say, that he would leave the room if we were so violent.

Perhaps it was, that if you were so violent he must leave the room?—Perhaps it was.

What was said about turning you out of the room, or that he would leave the room?—There was nothing said about turning me out of the room.

Did Mr. Hunt say he must leave the room?—I am not certain.

Do you remember falling asleep; a little nap?—No, I do not recollect it.

What is commonly called a fox's sleep?—I do not know that I was asleep at all there.

That sort of sleep, when a man pretends to be asleep and is not asleep?—I was not asleep.

Lord *Ellenborough*.—You are asked, whether you shammed sleep?—No, I never pretended being asleep, nor was asleep.

Mr. *Wetherell*.—You know what is the meaning of a fox sleep, or sham sleep; did you ever hear of what is called a fox's sleep; do you know what is meant by it?—Yes, I do.

Did you not sham sleep?—No, to the best of my recollection I did not.

Let us see whether you can recollect?—To

the best of my recollection I was not; neither do I believe I was.

You cannot positively deny whether you shammed sleep or not?—I cannot positively deny whether I was asleep or not; I think I was not.

Did you pretend to be asleep?—No, I did not.

Neither real nor pretended sleep?—No.

Neither real sleep nor sham sleep?—No.

Had Mr. Hunt invited you to dine, or had you invited yourself?—Mr. Hunt asked whether all that were there intended to dine.

That is not an answer to my question; did Mr. Hunt invite you all to Bouverie-street, to dine with him?—No, he did not.

What did you mean by saying that Mr. Hunt asked you to dine?—He asked, if all that were in the room intended to dine.

He had not asked you to come and dine?—No, he had not.

Then you went uninvited?—I went with the elder Watson and Hooper.

Did you ask yourselves to dinner, or did he ask you?—There was nothing of the kind said.

How came you to dine with him?—I walked up as many thousands did, and I walked in, finding that Thistlewood, Hooper and the two Watsons were there.

Did you not invite yourselves to dine at the same table with Mr. Hunt?—No.

How came you to dine there?—No, I did dine there.

Did you not say something to Mr. Hunt about it?—No, I did not.

What did he say to you, or you to him?—He said nothing particular to me; he and I had no particular conversation distinctly with each other.

Did Mr. Hunt desire you and the people with you, to sit down at the same table with him?—No, he did not.

Did either you, or some of those with you, propose to sit down with him?—Yes, I suppose so.

Was it you, or who was it?—I cannot tell.

Do you remember going up and ringing the bell, and asking what you could have for dinner there?—No, I do not.

What was the general subject of your discussion there?—Merely about the meeting and the next meeting; there was very little said about politics the whole of the time.

Only your toast?—There were other toasts drank.

Do you remember saying any thing about the soldiers to Mr. Hunt?—No, I do not.

Do you remember Mr. Hunt reproving you for saying something about the soldiers?—No, I do not.

Try your recollection?—I really do not recollect.

You have admitted a little violence about the toasts?—I have admitted the truth.

Was there any violence about the soldiers?—No, not that I recollect.

Did he not give you a little reproof on that

subject?—I have not a recollection of any reproof, not about the toast.

You recollect the toast now?—I give you the toast.

Lord *Ellenborough*.—Were there many toasts drank?—Yes, there were.

Mr. *Wetherell*.—Did any person at table give the king's health?—No, the king was left out of the question.

The king's health was not drank?—No, it was not.

Do you swear that positively?—I never heard it drank.

Were you near enough?—I was in the room the whole of the time.

At the table where Mr. Hunt dined?—Yes, so I understand.

Was the king's health drank or proposed at the table, at which you dined, at or after dinner?—No, it was not.

Did you not tell Mr. Hunt, that you had assisted in getting French officers, or some French officer out of the country?—Yes, I did; I recollect there was something said about it there.

Do you recollect that you told Mr. Hunt you had assisted in getting French officers, or some French officer out of the country?—Yes, I did, I believe.

Did you tell him you had got five hundred pounds for it, or some other sum?—I do not know.

You do not know the money that you mentioned?—No, I do not.

Is that true or false, that you ever did assist in getting a French officer out of the country?—Never.

Why was this said?—It was on account of a number of them knowing that I had been taken up with an officer, and I told them I had assisted in taking this French officer away, though I had not.

Did you say nothing about having threatened to shoot the French officer, because he would not get along with you quick enough on horseback?—Not to the best of my recollection, I never did.

You never said at this dinner, that you had threatened to shoot the French officer?—There was no such conversation at dinner.

At dinner, or after dinner, did you tell Mr. Hunt you had assisted in getting this French officer out, and that you had threatened to shoot him, because he did not get on quick enough?—No.

Do you recollect the name of colonel Lefebvre Desnouettes?—Yes, I recollect his name being mentioned.

Did you not say you had assisted in getting colonel Lefebvre Desnouettes out of the country?—No, I do not think any thing of the kind was mentioned.

Are you certain you did not say, you had assisted in getting colonel Lefebvre Desnouettes out of the country?—I am positive I did not.

Did not Mr. Hunt correct you and say, you

must not say such things?—I do not know.

Did he give you any other correction on account of your conversation, besides the toast?—I do not recollect.

Nor can you form a belief?—I cannot recollect whether I did or did not.

Nor can you form a belief?—I really cannot say, I had taken rather too much wine and spirits; and I cannot recollect all that passed.

Do you recollect any body shaking you there?—No, I do not.

Did any other persons, dining at the table, admonish you for your expressions besides Mr. Hunt?—No.

Were there any others dining at the table?—Yes, there were two or three others.

Can you mention their names?—No, I cannot.

Do you mean to say, you were in liquor at this dinner in Bouverie-street or after dinner?—Yes, I was.

I mean, at this dinner, after the first Spa-fields meeting?—Yes, I was; I had drank a good deal of liquor up at Merlin's Cave, I believe.

You mean to say you were in liquor?—Yes, I do.

Before dinner or after?—Both before and after.

Do you mean to say you were drunk before dinner?—No, I do not mean to say I was drunk; I was the worse for liquor.

What you call just primed. What quantity of liquor was drank in Bouverie-street?—That I cannot exactly say.

Do you mean to say, the liquor you drank at or after dinner would have made you intoxicated?—No, it was the liquor I had drank before.

I understand you to have said, that before the meeting, on the 2nd of December, your former plan for burning the barracks was given up for the present?—It was.

What do you mean by its being given up?—On account of Harrison withdrawing, and not having a house, not getting the house.

What was the rent of the house?—I do not know.

What was asked in advance for the rent of the house?—I think fifteen pounds.

That was for a quarter?—No, for the fixtures.

You could not raise the wind to pay this money down?—The money could have been raised; the money would have been paid, but the gentleman would not give up the key.

After you could not get this house to put in combustibles to burn up all the barracks, you did not go to look after another house?—No, it was too late.

How do you mean too late?—It was on the Friday or Saturday, and the barracks were to have been set fire to on the Sunday night.

Had you got the combustibles?—No, they could soon be got.

They were to be a hundred and twenty pounds worth?—No, I did not say that; I said about a hundred pounds.

Did not somebody say, twenty pounds should not be spared?—Yes, Thistlewood did.

What was your plan to be for burning the barracks; was it to block up the avenues to the barracks?—The whole of the avenues; the combustibles were to be set in and then set fire to, to prevent the cavalry coming out.

Did not you propose this plan yourself?—No, I did not.

Who did?—The elder Watson and Thistlewood.

Of course you will say that?—Yes, I will.

How many avenues are there into the barracks?—There are six that were to be set fire to at the King-street Barracks.

You were to set the six on fire at once, were you?—Yes.

You were to fire them at six places at once, and stifle the soldiers?—Yes.

Are they pretty wide avenues into the barracks?—Yes, they are cart roads.

They are six avenues, large enough for a cart to go through?—They are not six avenues large enough for a cart to go through, but there were six to be set fire to; there is a small gate up the stable-yard which was to be set fire to.

They were all to be stifled and smothered?—Yes.

The reason of this plan being given up was Harrison's withdrawal?—Yes.

Why was it given up by the other five, after Harrison withdrew?—We were afraid, on account of the meeting taking place afterwards.

That had nothing to do with Harrison's withdrawing. Why did not the five go on with it, notwithstanding his withdrawal?—It was in consequence of Mr. Hunt drawing up the petition, and the first meeting of the Spa-fields; finding there was so great a number, they thought that there would be as great a number again the Monday fortnight following.

Then you gave up the barracks entirely?—Yes, we gave up the burning of the barracks entirely.

You told us just now, that that was in consequence of Harrison's withdrawing, and the not getting the house?—Yes.

If it had not been for that, most probably it would have been carried into effect?—Yes; unless they had escaped.

You said it was at one o'clock in the morning, the coaches and carts to form the barricade?—Yes.

How were you to get those people together; you said you were to have servants and drunken people, how were you to get them together at half past twelve or one o'clock; were you to take the gentlemen going home from the Opera?—The whole of the people we had spoken to were to collect together in a certain place in the park, in the Regency Park; there they were to have beer and liquor, and bread and cheese; to collect them together, some in one place and some in another; but if we had got a house, the people we could place confidence in were to be employed in putting in the heads of the pikes, and boring the holes for the pikes,

until we were able to get the combustibles ready.

Detail the plan for this insurrection, at between half past twelve and one in the morning?—Thistlewood and young Watson were to call their men, if they could get them together, at the bottom of Gray's-Inn-lane, at a certain hour; and the elder Watson and me were to have those people, three or four hundred people, if we could get them together, as nigh as possible to the barracks, to divide this ingredient that was to set fire to both the barracks. Those men—

We need not proceed with this, you were to get all these people together?—Yes, we were; we were to set fire to the barracks at a certain time.

Then you said something yesterday about the coachmen joining you?—We were to take their horses out and make the coachmen join us, and make every person join us.

And all the drunken people you could pick up, I think you said?—No, I did not say any thing about picking up drunken people; I said it was to be on the Saturday night, or early on the Sunday morning, as there would be a great many drunken people about.

You said you were to take the horses out and make the coachmen join you?—Yes.

Gentlemen's carriages or hackney coaches?—Yes, any thing we could get; the horses were to be mounted by those that could ride to form a cavalry.

Those that could ride were to mount the coach horses to form a cavalry?—Yes.

What were you to do with the carriages?—Blockade the different avenues.

Now let us begin the blockade; was the end of Oxford-street, near the Park, to be blockaded?—No.

Why not, that was a good wide avenue?—That was to be guarded by two field-pieces.

What general was to guard the two field-pieces at the end of Oxford-street; general Hooper, or general Preston, or general Castle? Hooper was the lame general?—No, Preston, he was to take the Tower.

Who was to guard those two field-pieces at the end of Oxford-street?—Harrison, being an artillery man.

The hackney coaches or gentlemen's carriages were to blockade all that side of Oxford-road?—At the right-hand side of Portman-square, to prevent any soldiers coming in, all that part on the right-hand side of Oxford-street was to be barricaded.

All the way down to Gray's-Inn-lane?—Yes, as they got the field-pieces.

They were to blockade all that district of the metropolis down to Gray's-Inn-lane?—Yes, with any thing they could get.

What is Hooper?—A shoemaker.

A cobbler is not he; you know the difference between a shoemaker and a cobbler?—I do not know which he is.

What is Preston?—A shoemaker I understand.

A master shoemaker?—I do not know.

Did you ever see either of them on horse-back?—No, they both told me they could not ride.

But they were to be generals of division?—Yes.

Hooper was to go down to the Tower?—Hooper was to have nothing to do with it, I told you that before.

Preston cannot ride?—He has told me so himself.

And he is lame?—Yes.

How was this lame general to lead on his division?—He said he could walk fast enough on an occasion of that kind.

He was to have the command of one entire division?—Yes, he was.

Having blockaded or supposed we have blockaded that part of London, let us proceed to another part of the metropolis; what were you to do at Piccadilly?—To have barricaded all the gates into the park, and to chain the Piccadilly gate.

The Turnpike-gate?—Yes.

Was that all you were to do there?—Yes, till we got to the Horse-Guards, there we were to blockade.

What were you to blockade with in Piccadilly, any carriages?—Any thing we could get; there was a certain quantity of spikes at the gentlemen's gardens, they were to be taken down.

The spikes?—The wall and all together, with the spikes fixed in them, or to pull down the pallisading if necessary.

Do you mean the wall on the Piccadilly side opposite Lord William Gordon's house?—I mean that on the left-hand side going down.

Do you mean the marquess of Wellesley's wall?—All the way down; we were to take them down and barricade with them if we could not do without.

If you could not get coaches enough?—Yes, the spikes, and the walls, and all together, if we could not get any thing else.

You have told us doctor Watson is a good calculator, did he calculate how much time this would take?—He said it would not take much time; we should have so many people, it would be soon done.

Did doctor Watson take out a pen and make a calculation how many days it would take?—That we should get the whole possession of London, in the course of three or four hours.

The walls with the spikes upon them were to be taken down and removed to the end of Piccadilly in three or four hours?—Yes, the different generals were to attack those places at one and the same time; and after the barracks had been set on fire, London would be in such an alarm the soldiers would not attempt to come and attack us, and we were to halloo out that the soldiers had all joined us.

Then the poor soldiers in the barracks were to be smothered like rats in a ship?—Yes.

Then about Knightsbridge barracks, that was a principal station, what had you to do

there?—We went to the Knightsbridge barracks, and found it was impossible to get at them.

The doctor did not make up a potion for them; no stink to stink them to death?—We could not get at them.

You told us the doctor was to stink them to death?—No, I did not.

You did indeed?—I said that the stench was to be so great that they would soon be dead.

Why was not the stinking plan adopted to the Knightsbridge barracks as well as to the other?—I have told you before, that the barracks had so many avenues, and would take so much combustibles, that it was impossible to get at them, for Thistlewood and the elder and younger Watson, and myself, had inspected them.

You found that you could do nothing with the Knightsbridge barracks?—No.

That you could neither stife them to death, nor stink them to death?—Stink was never mentioned, only stench.

Lord *Ellenborough*.—He has repeated the word with perfect accuracy.

Mr. *Wetherell*.—Yes, he has, my lord. How were those men to be prevented entering?—If they came galloping to enter London, the two field-pieces were to be put to play upon them.

Where were they to be put?—Just within the Oxford-road gate.

As they came up from the Knightsbridge barracks, those two field-pieces were to be played upon the soldiers?—Yes.

That was your plan to stop the soldiers?—Yes.

Were you to have any regiment of infantry to stop the soldiers too?—There was to be a party of pike-men also left there.

And what with the two field-pieces and the pike-men, the Knightsbridge barrack-men were to be put to flight?—Yes.

Now as to your guns; what were you to do with them?—There was to be a field-piece put at the top of the Green Park, to play upon them if they came out that way towards the palace; a couple of field-pieces, if they could have been spared, were to be placed there.

You have told us, yesterday, there were to be only two field-pieces, which you proposed to take?—The whole of the field-pieces were to be taken from the Saint John's Wood barracks.

Lord *Ellenborough*.—All this having been detailed yesterday, you have it for observation; you will consider whether it is necessary to take down the whole again on cross examination; but at all events, the interlarding it with observations is not a correct mode of examination.

Mr. *Wetherell*.—Was it part of your calculation to use Bonaparte's great mortar, taken in Spain; you know the mortar?—Yes, I do.

Was it part of your calculation to put in some powder to the great mortar?—No.

Or the great gun that came from Egypt?—No, they were not mentioned.

In short, this was to be your system of tactics?—Yes.

Now what was to be done with the infantry barracks, before you get down to Knightsbridge?—Thistlewood and myself went and examined both in front and back, and found that they were not iron bars; and that if it was set fire to in front they could make their escape in the back, and that was to be let alone.

There was a rat-hole for them to escape?

Mr. Justice *Abbott*.—I defer to your judgment, that what you ask on cross examination is material, and therefore I wish to take a note of it; but I cannot go on so quickly; I must lay down my pen.

Mr. *Wetherell*.—I beg your lordship's pardon. There was no plan laid down for them?—No, there was not.

London-bridge was to be barricaded, to prevent the artillery coming from Woolwich you said?—Yes, I did.

Had you formed any plan to prevent its being brought up by water?—Yes, I had.

What was your plan?—That was the reason that young Watson and I were sent down to the wharfs, to see what guns and carriages and grape there were; and the ships in the river were to be manned to prevent their coming up, and we were to send immediately out to inform those ships that were out at sea, that there was a new government established, and that they must come home for fresh orders.

Then your plan was a blockade upon the Thames, as well as upon the roads?—Yes, it was.

You say that no more than six persons formed your committee, or whatever you call it, for the execution of this plan?—There was only six.

Six was the whole number?—Yes.

I did not precisely understand what the title of your command was?—All six of us were generals.

Have you ever mentioned this naval part of the plan before?—Yes.

When?—Not yesterday I did not.

Why did not you mention it yesterday?—I cannot say.

Did you think it too ridiculous yesterday?—No, I did not.

Why did not you mention it yesterday?—You stopped me.

I did not examine you yesterday?—I was stopped when I was going to tell that story concerning young Watson and myself going down to the ship-brokers, to collect all the information we possibly could with respect to what ammunition there was, such as powder, ball, grape, and shot, there were in the different ships; so that we should be enabled to man all the vessels we might want in the river, so as to send them out to sea, or to prevent their coming by water from Woolwich.

Have you ever gone by the name of Jackson?—Yes, I have.

Upon what occasion?—After the first Spa-fields meeting, Angel thought it would be much pruder, for fear I should be taken, to go by some other name; and that was the reason I went by the name of Jackson.

Angel thought it would be much more prudent, for fear you should be taken, to go by some other name; and that was the reason you went by the name of Jackson?—Yes.

And you went by the name of Jackson in consequence of that?—Yes, but I did not take the lodgings in the name of Jackson; I took them in my own name.

How came Angel to think it would be more prudent?—For fear I should be taken.

How came he to think you were in danger of being taken?—By there being but six of us, and so frequently going to and from the committee, and going so frequently to the Cock, and Hooper having been apprehended.

But though you changed your name, going so often backwards and forwards your person might be apprehended?—I did not go backwards and forwards.

You went, you say, between the two meetings, to Greystoke-place?—There was never nothing took place till after the second meeting.

When did you change your name?—Not till after the second meeting.

Lord *Ellenborough*.—I understood you to say the first meeting?

Witness.—It was after the second meeting, after Hooper was apprehended.

Mr. *Wetherell*.—You did not change your name till after the second meeting?—No, I did not.

Lord *Ellenborough*.—Where were the lodgings of which you speak?—No. 19, Prince's-row, Newport-market.

Mr. *Wetherell*.—Did you ever live up in Carnaby-market?—No.

Recollect?—No, I never did.

You told us yesterday, that you went to Exeter-change to see for the arms there?—Yes, I did.

What arms did you calculate on getting there?—There might be very probably guns, sabres, and swords, forty or fifty or more.

Did you see forty or fifty?—Yes, we did.

You saw forty or fifty guns and pistols there?—Not guns and pistols, but swords and sticks with dirks; sticks were to be got as well.

Did you not state that guns were to be got at Exeter-change?

I said yesterday as I shall to-day, that we went to Exeter-change to see how many guns, pistols, swords, and dirks were to be got.

How many guns might you see in Exeter-change?—I really cannot say whether we did see any guns in Exeter-change; but swords and pistols we did see.

Will you swear you did see one pistol there?—I cannot.

Will you swear you saw one sabre there?—Yes, more than twenty.

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Lord *Ellenborough*.—I think he mentioned the quantity there, and at a shop close by?—Yes, at a shop close by.

[Mr. Justice *Abbott* referred to his note.]

Mr. *Wetherell*.—Was not it one of your reasons for giving up this blockade plan, that the people were not ripe for it?—Yes.

That was one of your reasons for giving it up?—Yes; we went to Spital-fields, to see what number of people there were there; not that they were not ripe there, but that we could not get a sufficient number.

That was your reason?—One of our reasons, that we could not get a sufficient number without calling a public meeting.

How long had you known Keenes, before he joined this party?—I had seen him several times at the different meetings, at the Spencean meetings.

You stated, yesterday, that Mr. Watson, the prisoner, made a communication to you about overturning the government?—He did.

I believe at that time he did not know your address, did he?—He did not.

How long had you known him, two or three days?—I had seen him several times at the different meetings.

Had you seen him more than two or three times?—I had seen him several times, I think.

He did not know where you lived?—No, he did not.

But he began by stating to you that it was no difficult matter to overturn the government, provisionally that the plan was properly handled?—Yes.

Those were his exact words?—Yes.

Lord *Ellenborough*.—I have the word conditionally?

Witness.—Yes, that was the word.

Mr. *Wetherell*.—Though he did not know where you then lived?—No, he had seen me at the Cock.

Will you swear that he had spoken to you twice before that time?—No, I do not know that he had.

Will you swear that he had spoken to you once?—No, I do not know that he had.

The first time he spoke to you, was about subverting the government?—He talked to me about other things besides overturning the government; the first time I had any conversation with him, was when he talked to me about the plan of upsetting the government.

When did you first disclose this transaction to any body after the second Spa-fields meeting?—On the 6th or 7th of January.

And you were first imprisoned in February?—Yes, I was.

You made the disclosure about the 6th of January?—Yes.

And were taken into custody in the beginning of February?—Yes, I was.

Were you present at the Spa-fields meeting,
Y

near enough to hear the resolutions put?—I was in the room.

Do you recollect seeing the magistrates there?—Yes, I do; I do not recollect whether they were magistrates.

Give us the names of them?—I do not know whether they were magistrates or not; I saw three or four people there.

Have you not boasted, that you had at the first Spa-fields meeting, put your fist in the magistrate's face?—I did that in the presence of Thistlewood; I do not know whether he was a magistrate or not; it was a person sitting near the table.

Did you not boast that you had at the first Spa-fields meeting, put your fist in the magistrate's face?—I do not know that he was a magistrate.

Did you not say that it was?—Yes, I very probably might.

You have boasted that you put your fist in the magistrate's face at the first Spa-fields meeting?—A gentleman was going to shove me off the table, and I said, if he did, I would knock him down; I do not know that he was a magistrate, but I was told afterwards that he was a magistrate.

Have you any doubt that he was a magistrate?—I do not know whether he was a magistrate; I was told afterwards that he was.

Do you know the persons of the police officers, any of them?—Yes, some of them.

Did you see any of the police officers at the Merlin's Cave, the first meeting?—Yes, several of them that I knew by sight.

I believe you are not unacquainted with the police officers?—I know several of them by sight.

Were there a great many of them?—There were several.

The names of the magistrates you do not recollect?—I do not know whether there were magistrates or not.

Was Mr. Hunt close to the flag when you held it out of the window?—I did not hold it out of the window, I gave it to some person up stairs.

Was the flag within sight of the police officers?—Yes.

Was the flag within the sight of the gentleman in whose face you held up your hand?—I do not know.

Must not he have seen the flag if he held up his face?—Yes.

Do not you know that the room which you forced yourself into at Merlin's Cave, was a room which the Magistrates had taken?—No, I know nothing about that.

Do not you know now, that it was a room they had taken?—No; I did not know now till this moment you have told me.

You did not know now, that that was the room taken by the magistrates?—I did not.

Nor you do not know it now?—I do not.

You saw some of them about the house?—I saw some of them both in and out of the house.

Whether the room you went up into was the room they had taken, you do not know?—I do

not know, nor did I know, that they had taken any room in the house.

Did you not force yourself up into that room?—I went up like a great many others, after I had given the flag.

Did not you say something rude to the landlord, after you had given the flag?—No, I did not see the landlord, nor did I know him.

How many went up into this room with you?—I do not know.

Were there ten, twenty, or thirty; was the room full?—It was pretty full.

Were you one of the first or the last?—I was one of the last.

Did not you and the party who went with you, force the magistrates out of their room?—This is the first time I ever heard of it; I did not know they had taken a room there.

But they were about the house?—I do not know; I never was in the house before in my life, nor did I know they were going to the house.

Did you know who had taken the room into which you and the other persons went up?—I did not.

Did not you and the other persons forcibly go up into that room?—No, I did not.

Had not some persons forcibly gone up into that room before you went?—That is impossible for me to say, I did not see them.

Before the flag was exhibited at the window, was the frame taken out in your sight?—The frame of what.

The frame of the window?—No; neither did I know that it was taken out.

You could not see that?—No, I did not.

How near were you standing to Mr. Hunt, when the flag was held out of the window?—I was not near the window where Mr. Hunt stood, but the other window.

In another house?—No, only at the left-hand window.

How near is the left-hand window to the right-hand window?—Almost close by.

Did Mr. Hunt project himself out when he was speaking?—Yes; he hung his head out a little.

Could you see him?—Yes, I could.

Was the flag hanging out of the window?—Yes.

Could he fail to see the flag when he put his head out?—It was impossible he could see the flag well, for the wind blew it against the wall.

He must see the flag?—Yes, waving backwards and forwards; certainly he must see it.

How many people were there when Mr. Hunt was speaking?—A great many thousands.

Were there five thousand?—Yes, I have no doubt there were.

Twenty thousand?—It was said there were as many as fifty thousand.

Did you see any police officer whose name you can mention?—No, I did not.

Did you see the people who belonged to the Coldbath-fields prison, at the first meeting?—No, I did not.

Do you know Mr. Beckett, the underkeeper of Coldbath-fields prison?—Yes, I do.

Did you see him there the first meeting?—No, I did not.

To the best of your belief, what number of persons were round Cold-bath-fields prison when Mr. Hunt was addressing them?—I really cannot say, I thought myself there might be about fifteen or twenty thousand; there were some going and some coming.

Do you know Mr. Dyall, and Mr. Clarke, who acted as chairman at the last meeting?—I know Mr. Dyall.

Do you know Mr. Clarke?—No, I do not, I never saw him before in my life; nor do I know any further of him than hearing that his name was Clarke.

What did you do with the flag, after you had been at the first Spa-fields meeting; you kept it did you?—I took it with me to Bouverie's hotel.

Is the flag that was used at the second Spa-fields meeting, the same identical flag that was used at the first, or a similar one?—The same identical one.

When the meeting was over, you took it from the place, and preserved it?—I preserved it till the Sunday morning.

You went away with it?—Yes, I did.

I suppose your person is pretty well known to the police officers, is it not?—I do not know.

You have a doubt whether your person is well known to the police officers?—There are only two or three to whom I am known.

When did you change your name?—I did not change my name.

Why did you put on another name?—That was my own choice.

You stated that you were in very great distress before February last?—So I was.

Since you were arrested, who has supported you between your arrest and the time of your commitment? you are very well dressed now, who has paid for your dress?—I have been supported in Cold-bath-fields; I mean, in Tot-hill fields.

Who paid for your dress?—Mr. Stafford.

The gentleman who sits here?—Yes.

How long have you had that coat on?—I have had it about a month or six weeks.

Did Mr. Stafford order it for you?—No, I went and purchased it at a clothes-shop.

Who gave you the money?—Mr. Stafford.

Did Mr. Stafford pay for the whole of the clothes you have on now?—He did.

Has he given you the pocket-money you have had ever since?—Yes, he has.

Who has paid your expenses while you have been in confinement?—I do not know who has paid that; I have been kept.

Mr. Stafford has given you money for your clothes?—No, he has paid for them himself.

Have you had any pocket money since you have been in confinement?—Yes.

From whom?—Mr. Stafford.

Who furnished the outfit for your wife's going into Yorkshire?—Mr. Stafford.

How much had you?—5*l*.

When was that?—The beginning of February.

How came you to send your wife out of town, what harm had she done?—No particular harm.

She was not a traitress?—No.

What did you send her out of town for?—That is best known to myself.

Who suggested that she should be sent out of town?—No person.

Nobody but yourself?—No.

You alone?—Yes, me alone.

If your wife had been here, would not she have been able to have stated many of those things you have stated?—No; I never communicated any thing of my affairs to her.

You do not communicate your affairs; but times and places are circumstances she would know as well as you?—I do not know that she would.

Do you mean to state; that if your wife was here, she would not be able to state many things you have stated?—No.

Or not state things you have stated?—No.

Neither negative nor affirmative?—No, not that I know of.

Would not she verify the fact of being desired to go out of the room, when you had this private conversation with Mr. Watson?—Very likely she might.

That fact she might speak to; that was not a communication but a fact?—Yes.

Could not she have stated where you were at different times?—No; I do not suppose she could.

She could have stated nothing then that you have stated?—I do not suppose she could.

Mr. Attorney General.—I do not wish to interrupt my learned friend Mr. Wetherell; if he asks him whether he communicated any thing to his wife, that is another question.

Mr. Wetherell.—It is rather matter of inference, perhaps, than of question. Pray, after Preston had been taken, did you take care of any of his goods for him?—They were not his goods.

After Preston was arrested, there were some goods, the custody of which you took upon yourself, some of his furniture?—They were not his furniture, they belonged to the whole of the committee.

There were some things after Hooper was taken, you took care of?—When Preston was taken by the lord mayor, his daughters assisted me in getting some of the things away, as there was some rent owing; and I went and took another room to put some of the things in. I got away a table, and an old flock bed there was at No. 9, that I had assisted doctor Watson in bringing from his lodgings, which he gave to the committee.

When the committee broke up, what became of those goods?—They were left at Greystoke-place.

What became of them? you took them to your own lodgings?—Yes, the old table and the old bed.

Those were the only things?—Yes; I believe there was nothing else material.

The committee being broken up?—Yes; they left Preston's daughters provided with victuals, and left me without a farthing, or any thing, and I took those things, and appropriated them to my own use. Preston's daughter assisted me in taking them away, and they wanted them back again, and I would not let them have them.

What reason had you to expect them to support you?—They had supported me before.

And they were to go on and support you?—Yes. Thistlewood always promised, that if any thing happened, we should have sufficient money to take us out of the country.

I have heard a story about the key of Hyde-street, what is that?—I know nothing of any key of Hyde-street, and I never had the key.

Will you swear you had not access to the house at Hyde-street?—I will. You mean Hyde-street, Bloomsbury.

Yes, I do?—I never had access to it, nor was never more than three times there in my life, and that was with the elder and the younger Watson.

You have been there?—I have been there. I took the pikes there; me and young Watson took the pikes there.

And you know that the pikes were found in the privy there; do you not?—I do not.

Upon your oath, or your word, if you like, do not you know that the pikes were found there?—I have heard since, that the pikes were found in the privy; that there had been some pikes found in the privy.

You have chanced to hear that there were some pikes found in the privy?—Yes; Mr. Nodder, in whose custody I am, gave me that information.

John Castle re-examined by *Mr. Gurney*.

Did you ever hear that the pikes had been found in the privy, till Mr. Nodder informed you of it after you were in custody?—I never did.

Were you ever at that House at Hyde-street, Bloomsbury, after young Watson and you had carried the pikes there?—Never; yes, I beg your pardon, I was; the last time I was there was either the Tuesday or the Wednesday after the first Spa-fields meeting; I went one evening to assist the elder Watson in bringing away his things.

You were there with the elder Watson?—Yes, and Preston's daughter.

In assisting to carry away the things, to what place?—To Greystoke-place.

The elder Watson was then in your company?—Yes; he went and opened the door, and held the door while we got the things away at night.

Did you ever see the pikes after you had left them under the bedstead?—Never; I never saw the pikes nor the bags.

Lord Ellenborough.—You have mentioned,

that it was agreed you should give the soldiers a hundred guineas a man, or double pay; had you contemplated any means of giving them that money presently, or were they to be paid in future?—They were to be paid as soon as ever we got possession of the Bank, from the money we got at the Bank.

That had been agreed upon?—Yes, that had been agreed upon.

Did you expect to find money there, which you were to distribute among the soldiers in the proportion stated?—Yes.

Had that been matter of arrangement?—Yes.

Who had been parties to it?—Harrison, the two Watsons, Thistlewood, Preston, and myself.

Had you settled any other measures that were to be consequent upon the supposed success of your attempts upon the Bank and Tower?—Yes.

What further measure had you arranged?—

The whole of the notes in circulation now were to be destroyed.

Bank notes?—Yes, and nothing but cash paid. It was agreed that there was plenty of silver; the whole of the plate was to be taken away from all the noblemen in the kingdom; and there was to be fresh coin made with a fresh motto and a cap of liberty; that was agreed at a meeting of the committee.

A Juryman.—At which meeting of the committee?—On the Sunday.

You state that there were several meetings on a Sunday, which Sunday?—The first Sunday I ever met when the plan was arranged for setting the barracks on fire.

Mr. Justice Abbott.—He never fixed the date of the first Sunday: but that it was the Sunday-fortnight before the Spa-fields meeting.

A Juryman.—He stated that they met on two Sundays.

Mr. Justice Abbott.—Yes, he did. This was the first?—Yes, it was.

Were you to seize arms by force, or to endeavour to purchase them?—Each general was to have a check-book and give an order upon the head general, Thistlewood; if they would let us have the guns by paying for them, there was to be a check given, but if not, they were to be taken by force.

Were there any checks drawn out?—No.

You stated that the first place to be seized was the Bank?—The Bank and Tower.

Was there any other place you meant to have seized on?—Somerset-house was to be made the head quarters.

Do you mean, upon the first breaking out of the attack?—Yes.

You had no money in hand except the small sums you have mentioned?—No; what money there was came entirely from Thistlewood, and I did not know what money he was in possession of.

Nobody had any pecuniary fund but Thistlewood?—Not that I know of.

Ann Wright sworn.—Examined by
Mr. Richardson.

You keep a public-house in East Smithfield, called the King's Arms and Golden Anchor?—Yes.

Did you keep that house in the month of December last?—Yes.

And before that?—Yes.

Do you remember the day of the riots in the beginning of December?—Yes, on the second.

Did a person of the name of Atkins lodge at your house about that time?—Yes, and before.

Is Atkins alive or dead?—He is dead.

Did the prisoner at the bar call at your house to see Atkins?—He came in; whether to see him, I cannot say.

Before the day of the riots?—No, not to my knowledge.

Did he come into your house on the day of the riots?—Yes, he did.

Mr. Justice Bayley.—Was that on the second of December?—Yes, on the Monday.

Mr. Richardson.—Was Atkins there?—Yes, he was in the tap-room.

What time of the day was it?—Between one and two.

Mr. Justice Holroyd.—Which Watson was that?—The elder.

Mr. Richardson.—What passed between him and Atkins?—*Mr. Watson* went into the tap-room, and *Mr. Atkins* got up and shook hands, and said, "How do you do, *Mr. Watson*." *Mr. Atkins* asked *Watson*, whether he would have a draught of porter; he said, he did not care if he did. He came to me for a pot of porter, and he opened the door for him to go into the parlour; he said, "No, he would go into the room where he could have his speech at free liberty."

They went in?—Yes, they took the beer, and went into the tap-room with it.

Did you hear him say any thing about the Tower?—I heard him say, "Come on, my brave boys; if you had but followed me, the Tower would have been in our possession before now."

Watson said that, did he?—Yes.

Had you heard of the riots?—Yes, we were just going to shut up as he came in.

In consequence of the riots?—Yes.

How long did he stay?—Not above ten minutes; I do not know whether it was quite as long.

Did he then go away with Atkins?—No, he went away by himself.

Did you observe his appearance at that time?—He had a great coat on at that time, a drab-coloured great coat.

Did you make any remark upon his manner?—No, only he spoke in a noisy manner, and he had got a stick which he flourished about the tap-room; I did not take any further notice.

Had you seen the younger *Watson* in your house, before that time?—Yes, I had seen him several times along with *Atkins*.

Ann Wright cross-examined by
Mr. Sergeant Copley.

I am not quite sure that I understood what you said about this private room?—There was no private room, it was a parlour; that was for dinner, that was full.

Who spoke of going into the room, where they could speak at free liberty?—*Mr. Watson*.

Who spoke of going into the tap-room?—*Mr. Atkins* asked him whether he would have a draught of porter; he said, he did not care if he did; he came to me for a pot of porter, and I drew it; and *Mr. Atkins* said to *Mr. Watson*, we had better go into the parlour, and he pushed open the door to see who was there; and he said, he would rather go into a room where he could have free liberty of speech.

Who were in the parlour?—A good many people; it was about lunch time.

Who were in the tap-room?—I do not know; there were a good many people there, too.

There were a good many people in the parlour, and a good many in the tap-room?—Yes.

He wished to be in a room where he could speak at full liberty?—Yes; he said he would go into any room where he could have his speech at free liberty.

His speech appeared to be as much at liberty in the one room as in the other?—The people in the parlour belonged to the London Docks, and the people in the tap-room were principally seamen, and such sort of people.

Did the two doors join together?—No; the tap-room is right fronting the street-door.

Does one room open into the other?—No.

What is there between them?—A partition.

There is no door from the one into the other?—No; you must go along the passage from the one to the other.

How long did he stay?—Ten minutes, I should think.

Did any body go out with him?—No.

What became of *Atkins*?—He went into the London Hospital and there he died.

What became of him for that day?—He stayed in the house; he was lame and could not walk.

Had you ever seen the elder *Watson* with him before?—No.

Where were you?—In the bar.

Does that bar open into the tap-room?—No.

What is there between?—There is a very little bit; you go across a passage from the tap-room to the bar.

They had been to the bar to get the beer you had drawn for them?—Yes.

Nobody went out with him when he went out?—No.

And you had never seen him before?—No.

And have never seen him since, I suppose?—Not till yesterday.

Then you saw him where he is now sitting I suppose?—Yes.

How do you say he was dressed at that time?—He had a drab-coloured great-coat on.

When did you first tell this story to any one?—A good bit ago; in Gray's-inn-lane; that was the first gentleman I told it to.

How long ago was that?—Before Christmas.

To whom did you tell it?—I forget the gentleman's name.

Did they come to you, or did you go to them?—They came to me three or four times before ever I went to them.

Was that during Atkins's life-time?—Yes; I never went up to them.

Do you know any of the persons that were in the tap-room that day?—No, there is one man there, a witness, that is coming in, that was in the tap-room at that time.

Do you know any body else besides that man, who was there?—No.

Were they persons living in that neighbourhood?—I cannot say; I was not in the tap-room.

Were you not backwards and forwards in the tap-room?—No, I very seldom do go in.

They were persons living in that neighbourhood?—No, I believe they were chiefly seamen.

If you did not go in, perhaps you can hardly tell who were there?—I cannot.

How do you know that they were sailors?—Because we do not let them go into the parlour.

Therefore you presume there must have been sailors in the tap-room, as they did not go into the parlour?—Yes, they are generally there.

How can you undertake to swear that there were sailors in the tap-room?—Because I saw them pass the bar as they went out.

How soon did they pass to go out?—In about an hour after or less; they were chiefly strangers.

About an hour after this you saw the sailors pass?—I cannot speak to the time exactly.

How do you know that there were sailors there; you say, in about an hour after this you saw sailors pass the window; is that the only reason?—Yes.

You were never in the tap-room?—No.

Not being in the tap-room then, you undertake to swear there were sailors there?—Yes; because—

You not being there?

Mr. Gurney.—Let her finish the answer.

Mr. Justice Abbott.—She is going on to assign the reason.

Mr. Sergeant Copley.—You were not in the tap-room?—No.

And not being in the tap-room, you yet undertake to swear that there were sailors there, because you saw sailors pass the window in about an hour afterwards?

Mr. Justice Abbott.—That certainly is not a question; it is observation.

Mr. Sergeant Copley.—You were not in the tap-room?—No.

Have you any other reason to know that sailors were in the tap-room, except seeing some sailors pass the window about an hour afterwards?—Our man that served the tap-room is dead; it is from him that I know there were sailors there.

It is because you know it from your man that is dead, that you believe there were sailors?—Yes, chiefly; there certainly were sailors there.

You suppose there to have been sailors there, because you were told so by a man that is now dead?—Yes.

But you, of your own knowledge, do not know there were sailors there?—No, I never go into the tap-room myself.

You do not know that there were any there?—I saw them pass the bar afterwards; so they must have been there.

How soon afterwards did they pass the bar?—About half an hour afterwards.

Will you undertake to swear, that there were no sailors went in, in that half hour?—No, I cannot.

You cannot undertake to say, that those sailors you saw pass had not gone in in the mean time?—No, I cannot.

Then it was because you saw, half an hour afterwards, some sailors pass the bar, that you know there were sailors there at that time?—I know that there were sailors there, because I heard so.

Is the reason that you suppose sailors to have been in the tap-room, because you saw sailors pass the bar half an hour afterwards?—Yes.

Am I correct in this. Did you not tell me just now, that you did not know whether, during that half hour, other sailors had not gone in?—But there were some I know at the time, for the tap-room was full of people, and they were fetching beer from the bar.

Did you see them there?—Yes, I saw them pass.

But you tell me, you do not know but that they had come in within that half hour; is that so?—I suppose there must be some had come in, in the half hour.

Ann Wright re-examined by Mr. Richardson.

Before Watson came in, had sailors come in to go to the tap-room?—Yes, a good many.

Are sailors the general customers at your house?—Yes, the general run of them.

Lord Ellenborough.—There are different descriptions of people that usually resort to the parlour and to the tap-room?—Yes.

What description of people usually go to the parlour, and what to the tap-room?—The sailors go in to the tap-room, and the people of the dock and so on to the parlour.

[William Miller came into Court.]

Mr. Richardson.—Is that the man that was there on that day?—Yes, that man was; he used to lodge at the house at that time.

Is that the person you alluded to in your evidence just now?—Yes, it is.

William Miller sworn.—Examined by
Mr. Richardson.

You are a seaman, are you not?—Yes.

Do you recollect the day of the riots, in December last?—Yes.

Were you at Mrs. Wright's on that day, the King's Arms and Golden Anchor?—Yes, I was.

Do you remember a man coming in and talking to Atkins, a doctor?—Yes.

Did you hear him say any thing about the Tower?—Yes.

What did you hear him say?—He said something about the Tower; that if they had been of his mind, he would have had the Tower in his possession.

That if they had been of his mind, he would have had the Tower in his possession; is that what you state?—Yes, that is what he said.

William Miller cross-examined by
Mr. Wetherell.

Who was it that said this?—I did not know the man.

You never saw him before?—No.

Nor since?—No.

You knew nothing about him?—No.

What time of the day was this?—In the afternoon.

Was it eight or nine o'clock; after work was over?—No, between two and three, I should think.

Was not it later than that?—I cannot be positive.

You had not left off work so soon as two or three?—I had not been at work.

Recollect, as nearly as you can; was not it duskish?—No, I do not recollect.

Was not it duskish when this conversation happened in the evening?—It was in the afternoon. I cannot be positive as to the time.

Do you suppose it was, when it began to get a little dusk in the afternoon?—I believe it was.

Do not you think it was about five o'clock; about that time it gets darkish?—No, I do not think it was so late.

What other persons were there in the room?

There were several that I did not know.

What was it he said about the Tower? that if the people had been of one mind—

Mr. Justice Bayley.—No, that if they had been of his mind was what he said.

Mr. Wetherell.—That if they had been of his mind, the Tower would have been taken?—Yes.

He came in and told you this, did he?—He did not tell it to me.

He popped his head into this public house?—Yes.

Were there some persons in your dress there?—Yes, a great many sailors.

Who were those people that came there?—I do not know.

They were not of your acquaintance?—No.

As nearly as you can recollect about the time, do you think it was half past four?—I am not positive.

About that time?

Lord Ellenborough.—The time he has given us is between two and three; he is asked as to five; he says it was not so late, as he thinks.

Mr. Wetherell.—Was it about four o'clock?—I think it was between two and three.

William Miller re-examined by
Mr. Richardson.

It was after your dinner, was it?—Yes.

Mr. Justice Abbott.—Had you heard just about that time of the riots in the Minorities?—Yes, we were talking about it in the house.

Do you recollect how the person who said this, was dressed?—No.

Lord Ellenborough.—Are you in the habit of attending that house much?—Yes.

Is there a parlour in which the better sort of people are, and a tap-room in which the more ordinary people are?—Yes.

Zaccheus Bannister sworn.—Examined by
Mr. Attorney General.

Where did you live in the month of December last?—In Hyde-street, Bloomsbury.

Do you know Mr. Watson, the prisoner at the Bar?—I do.

Did he lodge at your house?—He took the house for his son; he took my shop for his son, not himself.

What room in your house did he take?—A front shop; a small shop in the front of my house.

Was there any room in your house that was occupied by him or his son, besides the shop?—No other apartment besides the shop which I have before mentioned.

Was there any key to the door of that room or shop?—Yes, a key to the door of the shop, and likewise a latch-door key to the street-door, the outer-door.

Did Mr. Watson use to come there himself?—Yes, sometimes, with his son; they both came there together.

Did the younger Watson sleep at your house?—I believe he did sleep there, but I am not certain; I never saw the inside of the shop, and therefore I cannot tell.

Mr. Justice Abbott.—You never saw the inside of the shop?—Not after Mr. Watson had it.

Mr. Attorney General.—Do you know Vickery the officer?—I do.

Did Vickery come to your house to make any search, in the month of December?—He did.

Do you recollect the day on which the riot took place in London?—I do.

How long after that day was it that Vickery came first to your house?—I believe it was on the Thursday, the fifth of the same month.

I do not know whether you were with Vickery when he made the search?—I was; he came to inquire.

Where?—He came to inquire at my house, whether a person of the name of Watson had lodged there.

Did you go with him into the shop?—There were several other persons entered the room with Mr. Vickery, I followed them.

Did you see him find any thing; I do not know whether you did?—I saw them overturn I believe, every thing in the room; and they took away a great quantity of papers; the contents of those papers I cannot speak to.

I do not ask you as to their contents; how did Vickery get in?—He forced the door.

The door was locked?—It was, he asked me if I had any key.

Had you the key of it?—No, I had not.

Who had been used to keep the key of that door?—I believe Mr. Watson, junior, the younger gentleman.

You had not been used to keep it, however?—No.

[The key delivered in by Worrall, was shown to the witness.]

Mr. Attorney General. — Do you know whether that is the key?—I believe it is like it, but I cannot swear to it; it is something like it.

Do you remember a man of the name of Worrall, coming and opening the door with this key?—Not with this key.

Not Vickery; but do you remember Worrall opening the door with any key?—He opened the street-door with another key; this looks like the key of the shop-door, that on the door is a spring-latch.

Was the key of the shop-door such a key as that?—Yes, it was like unto it; but I cannot positively say that it was the same.

You have told me, it was on the 5th of December that Vickery came first and searched the shop and found papers?—I believe it was.

Mr. Wetherell.—It will be necessary for me, at some period of the proof which relates to the production of the evidence which I see is to be offered, to submit a legal objection to it. I will interpose that objection when it is most seasonable; and the question will be, whether the taking of papers after the arrest of the party is such a taking as can admit them. I would submit that as a general proposition, perhaps it will come best by and by.

Lord Ellenborough.—We never decide questions in the abstract. Whenever a question is proposed, upon the production of the evidence we will decide it.

Mr. Attorney General.—I am going now to ask you a question upon another subject. Do you remember Vickery's coming again at a subsequent time?—Yes.

When was that?—The beginning of March, I think, about the fifth or sixth; Mr. Vickery was there I believe several times between the

fifth of December and the fifth of March; I think he was there on the twelfth of December.

The second time he came, did he search any part of your house?—Only the shop.

That was the first time?—He came again on the twelfth of the same month.

Do you remember his coming, and the privy of your house being searched?—I do.

Mr. Justice Bayley.—Was that in March?—It was.

Mr. Attorney General.—Were you present at that search?—I was.

Were you present when any thing was found in the privy?—Once.

Was it quite emptied?—Yes, it was.

What was found in the privy in your presence?—Some iron spikes.

Mr. Wetherell.—I question whether either papers or spikes found in the house after the arrest can be admissible. The court is aware that this point was ruled in Hardy's case.

Mr. Justice Bayley.—Before you raise the objection, have you all the facts which you wish from this witness.

Mr. Wetherell.—He says that things were found which he calls spikes.

Mr. Justice Bayley.—Were any spikes in your house to your knowledge, or put into the privy to your knowledge, between the second of December and that time when you say some where found?—No.

You had never seen any of them before?—No, I had not.

Mr. Wetherell.—My lord my objection is this: the witness has been examined to this proposition, that on the 12th of March—

Mr. Justice Bayley.—The fifth or sixth.

Mr. Wetherell.—The fifth or sixth of March, which your lordship sees—

Mr. Sergeant Copley.—He came again on the twelfth.

Mr. Gurney.—That was the twelfth of December he was there.

Mr. Wetherell.—There is certainly one fact which it is desirable to ask him before we go into this; namely, the last time he saw the Watsons there.

Mr. Justice Bayley.—What was the last time you saw the Watsons there?—About the 18th or 20th of November, that was, I believe the last time.

Was that the father or the son?—I never saw the father there without the son.

Which did you see in your house on the 18th or 20th of November?—Both; I say the 18th or 20th of November; it was a fortnight prior to the 2nd of December.

Mr. Wetherell.—My lords, on the part of the Crown it is proposed to prove, that on the fifth of March, there were found in the house of the witness (in which house he says a room

had been hired by the prisoner for his son) a considerable number of pikes or spikes. Evidence of this fact being now offered, the present appears to me to be the most convenient time for me to interpose my objection. If I thought that a more convenient time would hereafter present itself, I would defer the statement of my objection until it arrived.

Lord *Ellenborough*.—The present appears to be the most proper time.

Mr. *Attorney General*.—Our evidence upon this point is not finished.

Mr. *Wetherell*.—I know it is not, and my objection is, that no further evidence can be received, to prove the finding these articles in the house of the witness, at a time so long subsequent to the prisoner's having been there. It is in evidence, that the place where these pikes or spikes are said to have been found, was a house in which a room (the shop) had been hired by the prisoner for his son. I admit also that the witness has deposed that the father came to this house with his son : and I admit that this record charges a conspiracy in which both father and son are parties. But it must be borne in mind that the lodging was the lodging of the son and not of the father : and your Lordships, considering the place where, and the time when, these articles are said to have been found, will decide whether they would be producible in evidence, and whether my learned friends have a right to go further, to prove articles which (according to my proposition) if tendered in evidence would not be admissible.

Papers found in the house of a criminal previous to his arrest are admissible, because until his arrest he is supposed to have the command custody and control of his domicile, and consequently the means of preventing the improper or fraudulent introduction of papers, which might at a future period be given in evidence against him.

Your lordships probably recollect that this objection was taken in Hardy's case, and I apprehend that it was there admitted and decided.

Lord *Ellenborough*.—What volume and page?

Mr. *Wetherell*.—Vol. 2, p. 122. "The Attorney General observed, that he was now going to prove a paper found in the possession of Thelwall : I should feel myself to be justly censurable if I stated the facts incorrectly ; Mr. Thelwall certainly was charged as a conspirator on the record ; it stands so in my edition : " and also, another paper found in the possession of Mr. Martin, being the hand-writing of Mr. Martin, both printed in the second report of the secret committee p. 18. These papers were found after the apprehension of Hardy, but he should prove that they existed long before that period."

Mr. *Justice Abbott*.—I recollect perfectly
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well the subject to which you now refer, but I have no allusion to it in that page of my edition : I was not aware that there were different editions of Hardy's case.

Mr. *Wetherell*.—Mine is Mr. Sibley's edition. "The Attorney General said, these papers were found after the apprehension of Hardy, but he should prove that they existed long before that period. Mr. Gibbs said, these papers were never made use of ; they were simply in their custody, independent of observation. The admission of it in evidence directly contradicted the rule their lordships had laid down, not to receive any document found after the apprehension of Hardy." So, Mr. Gibbs there assumes that, and states it to the court as being his construction of the rule laid down by their lordships. Lord chief Justice Eyre, sitting as lord President, said "The only ground of the Rule is, that being found afterwards, it possibly might not exist previously, and therefore there was no proof that the prisoner was a party to it ; but if they remove that objection, and shew that, in fact, it did exist before his apprehension, the objection exists no longer." In p. 129 of the same book, Mr. Gibbs renews the same objection with reference to some blades or pikes ; and the reporter states it thus ; "Mr. Gibbs. It seems to me that their being ordered before the apprehension of Mr. Hardy, does not make it evidence ; they being found in the possession of this man after the apprehension of Mr. Hardy, it certainly will not be evidence to go to the jury. The lord President. You will be at liberty to insist, that the execution of the order afterwards does not personally affect Mr. Hardy."*

I have stated my proposition fairly. It will, however, probably be said, that in the present case there is evidence that some person had ordered these spikes ; but that is begging the whole question ; and unless a distinct acquiescence on the part of the prisoner (against whom they are offered) to the deposit of the spikes is shewn, unless the knowledge of their being deposited there is by evidence brought home to him, I humbly contend, that according to the rules, the policy, and the principles of law, they are not receivable. The rule is, that nothing found in the house of a prisoner after his arrest—no papers or implements supposed to have been in his possession—can be received, for they may have been fabricated afterwards, and placed there for objects very inconsistent with the ends of justice. Your lordships will recollect, that it is stated by the landlord, that the house was not the residence of the prisoner although he had access to it, but that it was hired for his son.

* I have retained in the text the references to that report of Hardy's case which the learned counsel himself quoted ; another report of the same points will be found in Vol. 3 of this work, p. 731, 865, 872.

On referring to the evidence of Mr. Castle, I find (and I do not wish to keep any evidence out of view) a statement as to a previous order for pikes: I admit that if this fact had been brought home personally to the prisoner, my objection would be untenable, at whatever time the discovery of them took place.

Mr. Justice Bayley.—You should be apprized (because it may put an end to discussion) that according to the testimony of Castle, he and the two Watsons went to Bentley, got the two hundred and fifty pikes from Bentley, and carried them to Hyde-street, Bloomsbury.

Mr. Wetherell.—Not the two.

Mr. Gurney.—The son fetched them, but he and the witness Castle received five one pound notes from the prisoner at the bar, out of which he was to pay for them.

Mr. Justice Bayley.—I have it, "we all three went to Bentley's cellar."

Mr. Gurney.—Those were Bentley, Watson jun., and the Witness.

Mr. Wetherell.—Just so. Mr. Gurney has reminded me of their having been paid for by the prisoner's money; but it is not stated that he was told that the money was had to pay for the spikes.

Mr. Justice Bayley.—Yes, I believe it is. I will read my note of the evidence, and my brother Copley will refer to see whether I am right. The next morning I met the two Watsons in Kingsgate-street at eight in the morning, to receive money from old Watson to pay for the pikes, and to buy two nail-bags to put them into. Old Watson gave his son five one pound notes to go to Bentley's with me for the pikes, and to take them to his lodgings in Hyde-street. Young Watson went to get the nail-bags, and I went to Bentley's; he had made two hundred and fifty, or somewhere thereabouts. He made out a bill; I went to Bentley's first; then Bentley and I came to a wine vaults at the corner of a court leading out of Hart-street into Long-acre, I think it is called Leg-alley; there we met young Watson. Young Watson gave me the money in Bentley's presence, and I paid Bentley, I think, three pounds fifteen shillings. Then we all three, (I had thought one of the three had been old Watson, I see that is not so,) "went to Bentley's cellar, and assisted in putting them into the bags; and young Watson and I took them to Hyde-street, to young Watson's lodgings, and deposited them under something like a sofa bedstead."

Mr. Wetherell.—Your lordship's note is most accurate. It will probably be said that by this conversation on the subject of the payment of the money, Watson the elder must be considered as the person actually ordering the spikes, and consequently that he is fixed with the knowledge of their having been obtained and of the place where they were deposited.

But nothing was said about their being to be got with this money. I should be extremely sorry to put an erroneous construction upon the evidence, but while the examination of this witness was going on, it did not occur to me that the money was asked for, to pay for the spikes. I allow that upon the evidence given such a conjecture may be raised, but I submit that it does not appear that the money given to young Watson was given to pay for the spikes. The question is, whether Watson the elder was asked for the money, *ex nomine*, to pay for the spikes, or, whether there is evidence to shew that he must have known that it was to be so applied.

Mr. Gurney.—The witness Castle has stated that Thistlewood gave the prisoner Watson a ten pound note, to pay for the bills and the pikes.

Mr. Wetherell.—His lordship has read the note.

Mr. Justice Bayley.—That to which Mr. Gurney refers, was in a former part—"Thistlewood produced a ten pound note, and told old Watson to go immediately and give the man some money, and to tell him to get the bills printed, and to give me as much as would be sufficient to pay for the remainder of the bills and the pikes."

Mr. Wetherell.—The first question is, whether there is sufficient evidence to affect Watson directly or indirectly upon the subject of the spikes. I own that from my recollection of the evidence that point does not seem to me to have been established. I also contend that although the payment was made out of that ten pound note there is no evidence of any direction that the money should be appropriated to that purpose.

Mr. Justice Abbott.—The words of the witness, as I have them, are certainly different from the way in which they appear to have struck you. He says, "Monday morning I was to meet the two Watsons in Kingsgate-street, to receive the money to pay for the pikes, and to buy two nail-bags to put them into. Old Watson gave his son five one pound notes to pay for the bags and the pikes, and young Watson went to procure the bags, while I went to Bentley's to get the bill made out."

Mr. Wetherell.—That corresponds with the note read by Mr. Justice Bayley.

Mr. Justice Bayley.—I will read another passage, "The pike Bentley had made was produced, Thistlewood said it was a very famous weapon and that we would have a quantity more made immediately; and he gave me orders to have two hundred and fifty made immediately by Bentley: this was in the hearing of the other five."

Mr. Justice Abbott.—After Castle stated his going with Bentley to the wine vaults, his meeting young Watson there, the production

of the bags, the payment of the money, the putting the pikes up, the taking them to young Watson's lodgings in Hyde-street, and depositing them under the sofa bedstead, he said, "Then young Watson and I went to Greystoke-place and reported, and by the desire of Thistlewood I destroyed the receipt; then the elder Watson and I went to the printer for the bills." He went to Greystoke-place, he there found the elder Watson and Thistlewood and reported; which was, he says, their constant practice.

Mr. *Wetherell*.—The Court sees that the articles are found five months after the apprehension of the prisoner.

Lord *Ellenborough*.—True, but there is evidence of the carrying them. If we hear of nobody removing them, we will presume that they remained in the state and place in which they were deposited, and where the evidence leaves them.

Mr. Justice *Bayley*.—The question is, whether the counsel for the prosecution may be permitted to prove that these are the very same pikes which were made by Bentley and carried by young Watson and Castle to young Watson's. The effect of the evidence when produced will be matter for consideration.

Mr. *Wetherell*.—If there had been any evidence bringing home to the prisoner a knowledge of the carriage, I should have felt myself precluded from raising this objection.

Lord *Ellenborough*.—There is such evidence on the notes of my learned brother. There is no foundation for the supposition that, to entitle the prosecutor to produce these things in evidence, it is necessary that they should have continued in the possession of the conspirator, up to and at the time when they were found. The things having been placed there while they were under his control, although he is afterwards severed from the possession, still that is evidence to go to the jury. I remember a capital case in which similar evidence was received. An extensive robbery had been committed, and the prisoner, the butler to a banker at Malton, had been seen near the privy; this circumstance having excited suspicion in the minds of the counsel who were considering the case during the assizes at York, they ordered a search to be made, and in the privy all the plate was found; it was produced, and thereupon, the prisoner was convicted. He had been separated from the custody of the plate, for he had been confined in York Castle for some time; but no doubt of the admissibility of the evidence was entertained.

Mr. *Wetherell*.—After the observations made by your lordship, I shall not trouble the Court further upon this point. I rested my objection solely upon the evidence, as to the carrying, being defective.

Lord *Ellenborough*.—I cannot fancy a doubt upon this point.

Mr. Justice *Bayley*.—If, after what has been said, Mr. *Wetherell* thinks that he can support the objection, I should wish to hear him; but it appears to me to stand upon very different ground from the case to which he has referred. There, as well as I remember, the thing offered to be produced *did not*, so far as appeared in evidence, *exist* before the prisoner's apprehension. Here the pikes not only so existed, but were carried to the place in question by one of the parties in the conspiracy, whose acts are, in point of law, the acts of the prisoner at the bar and of each and every of the conspirators. And it is not only proved that they were so carried to that place, but it is sworn, that the prisoner was privy to the fact of their being ordered; and was also privy to the fact (that is, received information by the report of his son) that they had been carried to his son's lodgings.

Under these circumstances, I think it is impossible for the Court to say, that these pikes cannot be admitted in evidence, for the purpose of proving whether they are or not the same of which Castle has spoken, and which may or may not be proved to have been made by Bentley. What may be the ultimate effect of it, will be entirely a question for the jury; but I think we cannot exclude the evidence.

Mr. Justice *Abbott*.—This is not a question susceptible of any doubt. There hardly ever happens an assize at which part of the evidence against the prisoner, in cases of Larceny, does not consist of proof that the stolen property was found in his house after his apprehension.*

Mr. Justice *Holroyd*.—I think there cannot possibly be the least doubt upon this point.

Mr. *Attorney General*.—[To *Bannister*.] You saw, you have told us, the spike-heads taken from the privy?—Yes.

Had you ever seen any of those before?—No.

Zaccheus Bannister cross-examined by
Mr. *Sergeant Copley*.

You say these premises were taken by Mr. Watson for his son?—Yes.

And they consisted, I believe, only of a shop?—Only of a shop.

The key that has been produced is the key of the shop-door.

Mr. Justice *Bayley*.—He has not ascertained that it is.

Mr. *Sergeant Copley*.—I humbly thank your lordship for the suggestion; I meant to distinguish it from the other. Looking at that, you say it bears a resemblance to the key of the shop-door?—Certainly.

You have looked at it several times, have not you?—I believe it is the shop-door key, but

* See the very judicious observations upon this species of evidence in 1 Phil. Ev. 165, 5th ed.

I do not know ; it looks like it, but I cannot be positive.

Is it a common kind of key ?—It is.

What kind of a key was the key of the street-door ?—I cannot well describe it.

Is it what is commonly called a latch-key ?—It is.

Where was this privy situate ?—In the yard.

Who occupied the rest of the house ?—There were several persons in different parts of the house.

Did you say the privy was in the yard ?—Yes.

Is it common to the whole house ?—Yes.

How do you go into the yard, through the passage from the street ?—Yes, through the passage from the street.

Without going into the shop ?—Yes.

Leaving the shop on one side ?—Yes.

You say you have seen Mr. Watson there with his son at different times ?—Yes, I have.

He did not sleep there ever, I believe ?—I do not know that he did.

Mr. Justice *Bayley*.—Do you mean the young or the old one ?

Mr. Sergeant *Copley*.—The old one.

Mr. Justice *Bayley*.—You do not know that the son slept there ?—I do not know ; they were there of a night sometimes, and sometimes they were called out on business.

Mr. Sergeant *Copley*.—What business was carried on in the shop ?—Mr. Watson had drugs and medicines in the shop.

Mr. Watson was a surgeon ?—Yes, he was.

Lord *Ellenborough*.—Who had drugs in the shop ?—Mr. Watson ; the father told me his son was a surgeon.

Mr. Sergeant *Copley*.—Tell us the last day on which you saw either of the Mr. Watsons there ?—I cannot tell you the day precisely, but about a fortnight before the second of December was the last time that I recollect seeing either of them there.

Have you any means of knowing whether any body else afterwards came there into that apartment ?—It is very improbable that any person came ; they could not, unless they had the key, of course.

I talk of the apartment, the shop ?—Yes, so I understood.

There was a distinct latch-key, as you describe it, to the street-door ?—Yes.

Zaccheus Bannister re-examined by
Mr. Attorney General.

One question I forgot to ask you ; had you yourself any access to the shop after the last time that you saw the Watsons there, and before Vickery came the first time ?—None at all.

Mr. Justice *Abbott*.—Was the other entrance into the shop by first coming into the passage of the house, or was there another door ?—There were two doors, one door went into the

back parlour, but that door was locked and secured.

If a person from the street wished to go into the shop, must he first come into the passage of the house ?—He must.

The door between the back parlour and the shop was secured ?—Yes, it was.

Watson had not the key of that ?—He had not.

Were there shutters to the shop window ?—Yes, there were.

Inside or outside ?—Outside.

Whose business was it to open those shutters, your servants ?—No ; Mr. Watson the younger's ; I believe he opened them.

You say you had not seen him there for about a fortnight before the last Spa-fields meeting ?—I had not.

Were the outside shutters opened during that time ?—Never, to my knowledge ; I never saw them open during that time.

For some few days previous to the time you last saw them, were the shutters constantly kept open, or were they sometimes up ?—I believe they were never all taken down ; I believe they were open every day except Sunday.

Part of them ?—Yes.

Never all together ?—I do not recollect seeing them all open together.

When young Mr. Watson was out, was there any person attending to give an answer for him in case of any one inquiring ?—I believe not.

Had any servant or other person belonging to your family, access to the room to sweep it, or make the bed, or any thing of that sort ?—No one had access but themselves.

Your servant did not go in to sweep it, or clean it, or do any thing of that sort ?—Never to my knowledge.

Lord *Ellenborough*.—The communication between the shop and the privy is by the passage ?—Yes.

After their going away, do you know of any body being in the passage, and using that way ?—I do not.

Mr. John *Vickery* sworn.—Examined by
Mr. Attorney General.

I believe you are one of the police officers belonging to Bow-street ?—I am.

Did you go on the 5th of December to a house in Hyde-street, where Mr. Preston lives ?—I did, that was the day.

Did you go into that shop or room which Mr. Bannister has been speaking of as young Watson's ?—I did.

How did you get in ?—The key was inquired for of Mr. Bannister, but it could not be found ; nor any other key could be found to open the door, and it was forced.

Mr. Justice *Holroyd*.—The key of the shop ?—Yes.

Mr. Attorney General.—And you forced the door ?—I did.

Did you make any search about different parts of the shop?—I did.

Did you find any papers there?—I did.

Whereabouts in the shop did you find any papers?—The shop is a small room, and it was completely full of household goods of some sort or other; and there was a sort of mahogany chest, which appeared to be a medicine chest, and the papers were found littered about in different parts; they were all found in that room.

All the papers that were taken were found in that room?—They were.

Have you got the papers here which you found in that room?—I have not.

Did you mark them before you delivered them over to any one?—I did.

[Several papers were shown to the witness, and he examined them.]

Did you find those papers in that shop?—I did.

Did you go, at any other times, to make any search there?—I did.

I do not want to know every time you went there, unless you found something at least; did you go in the month of March?—On the 5th.

Did you see Mr. Bannister when you went on the 5th?—Yes. I went at first on the morning of the 5th, and saw Mr. Bannister.

Did you, on that day, search the privy?—There was a search partially made in the morning by a man who was with me.

In your presence?—Yes, in my presence; and at night the privy was completely cleared in my presence.

Were you present at the time the privy was cleared?—I was.

What was found in the privy?—There was a pretty large quantity of iron at the bottom; pieces of iron with a point at each end, about eight or ten inches long.

What did you do with that iron which you so found?—I saw them washed as clean as they could be made, and they were put into a box, and taken to the office and locked up, and kept under my possession all but two, which were parted with to Mr. Litchfield the next day; they were locked up in the office till Saturday, and then they were put into bags and taped and sealed. They had never been out of my possession till they were taped and sealed.

Except two, I think you said?—Yes, except two that were given over to Mr. Litchfield on the following morning.

Have you got them here?—I have.

[The witness produced a bag containing them.]

Did you count them?—I counted them the first night; there were 200 all but two, I think. I rather think there were two or three over, when I came to separate them into three parts. I separated them into seventies, and I found there were rather more than seventy in the last part.

Mr. Attorney General.—Now, my lord, I am about to put in those papers which Vickery has stated he found.

Mr. Wetherell.—The papers stand in a very different situation from the spikes; and a great deal more must be done before they can be read, I will ask Mr. Vickery a question.

Mr. John Vickery cross-examined by Mr. Wetherell.

When was the first time you went to search this house?—I think the 5th of December.

That was three days after the meeting?—I am not exactly sure as to the time of the meeting.

Can you give the date of the time when you found the papers?—Yes, on the 5th of December.

The papers you produce were found on the search?—Yes.

In what part of the house were they found?—In the shop.

In the shop that fronts the street?—Yes, on the right hand as you enter from the street.

In what part of the shop were they found?—I cannot say; there were such a quantity of papers, and there was such confusion, it did not look like a shop that was inhabited.

Were they found in a drawer?—Some in a box, and some in one place and some in another.

They were in a good deal of confusion?—Yes.

Were the papers, generally, medical or political or enthusiastical, or what?

Mr. Gurney.—That the papers themselves will shew.

Mr. Wetherell.—There was a general mass of papers?—Yes.

And these you selected from them?—Yes, I did.

Were these locked up, or mixed with the others?—There were some in drawers, and some in one place and some in another; I cannot charge my memory as to every one of them.

Mr. Attorney General.—I offer those papers in evidence.

Mr. Wetherell.—In raising an objection, in the present stage of the evidence, to the reception of these papers, I do not say that my learned friends may not, by coupling them with other evidence, or furnishing an explanation of their contents, make them admissible. The last objection which I stated to the Court (with respect to the production of the spikes) stood on a very different footing from the present: your lordships were pleased to think (upon a reference to the notes which you had taken of the evidence) that *considering what had passed in the presence of the prisoner and his son* it was fit that the spikes should be produced. The evidence now offered is totally destitute of any such collateral support; for in the present instance we have merely been in-

formed that certain papers were found in the house of a co-conspirator. Whether any additional evidence may hereafter be brought forward to identify any particular paper so as to affect the prisoner with its contents I cannot now know, and I therefore can only discuss the question in its present state, and in the existing state of the evidence.

Upon the authority of what I apprehend to have been the precise point ruled in Hardy's case, I contend that these papers are not evidence; for unless my friends can by some supposed link connect them with the prisoner, unless it can be shewn by some supposed appropriation to him, that these are papers which he has adopted as a conspirator, it amounts to nothing more than that certain papers are found. Now, in Hardy's case, the indictment distinctly averred as an overt act of the treason charged upon the prisoners, the writing composing and circulating certain papers and writings—

Lord *Ellenborough*.—The nature of these papers has not been opened to us. The evidence as to the place where they were found undoubtedly affects the younger Watson; and it makes no difference whether they were found on the 2nd of December (when he was last visible) or on the 5th: but there being evidence against the son does not make these papers evidence against the father, unless the counsel for the crown connect them with the prosecution of the common design in which the father and son were joined. We have not been told what these papers contain or whether they are in furtherance of the common object.

Mr. *Wetherell*.—The averments of this indictment are most elaborately set forth, but I find no charge of composing or circulating papers.

Lord *Ellenborough*.—What is the nature of the papers, Mr. Attorney General?

Mr. *Attorney General*.—The Court will recollect that the witness Castle has proved that the elder Watson shewed him a sort of plan of the Tower, and the drawing of a machine to act against cavalry. One of the papers found in this shop appears, upon the face of it, to be obviously a plan (I do not mean an accurate plan) of the Tower; another, to be a drawing of a machine such as he has described, with four wheels, and scythes projecting, to act against cavalry.

Lord *Ellenborough*.—These are undoubtedly admissible.

Mr. *Solicitor General*.—There are three others, all conducive to the general plan.

Mr. *Attorney General*.—Among others, there is a copy of the printed bill, for holding the first Spa-fields meeting.

Lord *Ellenborough*.—The plan of the Tower of London is a paper of which you have already given evidence, and also the drawing of the machine with the scythes.

Mr. *Attorney General*.—Then there is a drawing of the flag, and what appears to me to be a calculation of military force, and also a list of names. The witness spoke of certain persons being named as a committee of Public Safety, and here is a list of names, although there is no title designating the meaning of that list: I submit to the Court that whatever other papers there are of a political character, are evidence.

Lord *Ellenborough*.—We will postpone our decision upon those papers, until we shall have seen what they are.

Mr. *Wetherell*.—There is no proof of the antecedent existence of these papers.

Lord *Ellenborough*.—If they are found, at the very moment of the younger Watson's departure, in a place occupied by him, they are evidence against him; whether they are evidence against the father depends upon their contents being referable to the common design imputed to the father and the son.

Mr. *Wetherell*.—Your lordship is of opinion that all these papers are evidence?

Lord *Ellenborough*.—The judgment of the Court applies only to those the contents of which have been distinctly stated.

Mr. *Gurney*.—We have selected those which do apply.

Mr. *Wetherell*.—No witness has stated that any paper was produced at the meeting; I put that question distinctly.

Mr. *Attorney General*.—Mr. Wetherell is arguing rather on the effect than the admissibility of the evidence.

Mr. *Wetherell*.—It stands upon the notes that no paper was kept.

Mr. *Justice Abbott*.—No, that many papers were destroyed; that whenever Thistlewood found any, he destroyed them, and that he warned Watson against keeping papers by him.

Lord *Ellenborough*.—And he destroyed some songs.

Mr. *Wetherell*.—There is no evidence that any paper was produced at any common meeting; and no circumstance having been stated to prove the production of any paper, can such paper be evidence?

Mr. *Attorney General*.—This is arguing upon the effect, and not upon the admissibility of the papers.

Mr. *Sergeant Copley*.—A distinction may be drawn between two of the papers mentioned by Mr. Attorney General and the others. Castle has spoken to two.

Lord *Ellenborough*.—We will first hear these two papers, and then the argument upon the others.

Mr. *Justice Bayley*.—These were found in

the possession of young Watson, at what may be considered a period antecedent to the meeting on the second of December; for we have not heard that young Watson was ever at those lodgings between the 2nd of December, and the search, and the evidence of the master of the house is, that he thinks it most improbable that any person could have got into that room, from the time when young Watson left it, until the search was made, for no person could have got in without having the key. This therefore raises the presumption that the things found in the room on the 5th of December were then in the same state in which they had been on the second and preceding days; the papers so found there, were consequently found in the possession of the parties, and must be considered as having been there long previous to December 2nd.

Mr. Barlow.—The first paper is the plan of a machine; there is some writing at the back.

Mr. Attorney General.—I do not know when that was put on. [To Vickery.] Is that paper, and particularly directing your attention to the writing on the back, in the same state as it was when you found it, except your own mark upon it?—I think it is.

Mr. Justice Bayley.—Have you any doubt about it?—I have no doubt of it; there is a mark upon it of my putting.

Mr. Gurney.—Will you read now what is written on the back?

[It was read as follows:]

William Beaufoy, No. 3, Slaughter-street.

Thomas Moore, No. 3, Slaughter-street.

Query. Have all men a right to an equal participation in land.—A. Yes; as all men require the productions of the earth and water to exist, it is clear, nature intended those elements equally for all mankind.

Mr. Wetherell.—In Mr. Hardy's case, to which I have alluded, "my lord president says, that the only ground of the rule is, that being found afterwards, it possibly might not exist previously, and therefore was no proof that the prisoner was a party to it; but if they remove that objection, and show, that, in fact, it did exist before his apprehension, the objection exists no longer." I admit that the production of this paper relative to the machine (although it is not brought home to the prisoner) derives some support from the fact of some person having spoken of it at a meeting of the persons charged to be conspirators. I understand there is also some paper concerning the Tower. If the statement of an object connected with the paper establishes the fact of the existence of that object, I admit that there is a certain something connected with the paper produced, which removes the supposition that it may have been put into the place where it was found, since the arrest of the parties:

but unless that link is shown to exist, I submit that the principle laid down in Hardy's case applies much more powerfully in the present, for in Hardy's case, the circulation of papers was actually charged as one of the means for accomplishing the objects of the conspiracy.

Mr. Justice Abbott.—I beg to draw your attention to a very important distinction between Hardy's case and the present. In that case, the papers were found after Hardy's apprehension, in the possession of persons who might, for aught which appeared to the contrary, have first acquired possession of those papers after his apprehension. These papers are found in a room of which the younger Watson kept the key, into which no person had access, and he himself was never known to have been there for the period of a fortnight before the 2nd of December, the day on which the prisoner was apprehended. These papers, therefore, are thus proved to have remained in that room one fortnight before the elder Watson was apprehended; which room is as much marked with secrecy as the strong box in any private gentleman's house.

Mr. Wetherell.—There is another point in Hardy's trial which I apprehend fortifies my objection. There was offered in evidence a letter written by Thelwall to a third person, not a member of the society, stated to have contained seditious songs sung at their meetings; and that was not allowed to be read in evidence. That was brought much nearer, for that was a paper written by a co-conspirator, and containing matter in the most direct sense auxiliary to the purpose charged; but because it was a letter written to a third party, though all the meetings and proceedings of that society were matter of charge——

Lord Ellenborough.—A letter from Martin, I think.

Mr. Wetherell.—No, my lord, a letter from Thelwall, giving an account of the proceedings at one of their anniversary dinners—their songs, their toasts, their discussions, those were means to carry into effect their conspiracy; but it was decided that that was not evidence against another co-conspirator. Now there, there were media of connexion infinitely closer than any here, for there, there was an identity of purpose charged, an identity of object charged, and there was a confederacy made out; they were members of the same society; there was a union so close and distinct, as that they were in some respects identically the same persons; and yet though Mr. Justice Buller was for the reception of that evidence, the other four learned judges were decidedly against it. That was a stronger case for the reception of that paper than the present; but the learned judges there, were all of them, except Mr. Justice Buller, of opinion it could not be received; there is an account of the argument, and——

Mr. Justice Abbott.—I believe, Mr. Justice Gross also dissented.

Mr. *Wetherell*.—I believe so, my lord. With the exception of Mr. Justice Buller and Mr. Justice Grose, the learned judges were against the reception of that paper.* And I humbly contend that the connexion between these papers and the prisoner is by many degrees more remote than in the case I have cited where such evidence was rejected. After the arrest of one conspirator, papers are found in the house of a co-conspirator. How are they proved to be conducive to the purpose of the conspiracy? The purpose is set forth so multifariously upon this record, that I can scarcely discover what are the allegations: treasonable speeches are alleged, and pikes, and hand-bills. If this paper corresponded with the placards or advertisements, it might be said that you might raise a presumed connexion between the mere treason charged upon the record and this paper, although I should deny that to be in fact a link of connexion, for a link of connexion is a matter of fact and not of legal inference. The lord president says, "I agree that where several persons are concerned in a conspiracy, that all the transactions of the conspiracy by the different parties may and ought to be given in evidence."

Lord *Ellenborough*.—You have given a mistaken appellation to that highly-respected person: he was never, in the course of that trial, called the lord president.

Mr. *Wetherell*.—That appellation is given to him in this book.

Lord *Ellenborough*.—He was never called so.

Mr. *Wetherell*.—It seems to me that the decision upon that important occasion completely governs the present case; for, after laborious research, I have found no decision that infringes the rule there laid down. Now, my lords, the lord chief justice there said, "I agree that where several persons are concerned in a conspiracy, all the transactions of the conspiracy by the different parties may and ought to be given in evidence, and it is enough if the party accused can be brought to be privy to that general conspiracy; for if he be so proved, every thing done by the general party must also be imputed to him;" but this is begging the whole question.

Lord *Ellenborough*.—Upon the ground that it does not appear sufficiently relevant to the object of the general design, I should doubt, Mr. Attorney General, whether you would, on consideration, press this evidence.

Mr. *Solicitor General*.—Your lordship alludes to the indorsement?

Lord *Ellenborough*.—Yes: there can be no doubt of the plan of the machine being evidence, but the words written upon it do not seem sufficiently pregnant to the general design. I do not mean to say that I would be

bound by the decision in Hardy's case; and I beg not be understood as concluded by it, for there is great weight in the arguments of Mr. Justice Buller and Mr. Justice Grose.*

Mr. *Wetherell*.—Mr. Justice Buller considered it analogous to the cry of the mob in lord George Gordon's case; but there was a great distinction.

Lord *Ellenborough*.—However, the Court think they may receive the drawing, but not the inscription upon the back of it.

Mr. *Gurney*.—The second paper is the plan of the Tower.

Lord *Ellenborough*.—Is this proved to be the paper spoken to by Castle?

Mr. *Gurney*.—We shall call another witness, to prove this is a plan of the Tower.

Mr. Sergeant *Copley*.—His lordship asked, whether those were the identical papers shown to Castle.

Lord *Ellenborough*.—It does not appear, certainly, that they were the identical papers, but they are sufficiently connected with the general design about the Tower, to entitle them to admission, whether they were shown to Castle or not.

Mr. *Wetherell*.—We must have a witness to prove that it is a plan of the Tower.

Mr. *Gurney*.—You shall.

Mr. Justice *Abbott*.—It almost bears that upon the face of it.

[It was shown to the Jury, and to the Counsel for the prisoner.]

Mr. *Attorney General*.—The next paper is the string of names.

Mr. *Wetherell*.—Is there any title to that?

Mr. *Gurney*.—No, there is not.

Mr. *Wetherell*.—Then I object to it; Castle has sworn to some committee; and if this appears to be a list of a committee, that may connect it.

Mr. Justice *Bayley*.—There was a paper put in evidence with the title C.P.S.

Mr. *Wetherell*.—Is this marked C.P.S.

Mr. *Gurney*.—No, it is not.

Mr. Justice *Bayley*.—There are the same names.

Mr. *Gurney*.—They are not all the same; there are some variances, I believe.

Mr. *Wetherell*.—I object to this, my lord. A paper containing the designation which Castle has spoken to, of C.P.S. may be sufficiently proved; but this I apprehend cannot be admitted; we shall have the red-book given in evidence by-and-by.

* *Vide Hardy's case*, 3 How. Mod. St. Tr. 447—453.

* 3 How. Mod. St. Tr. 451, 452.

Mr. Sergeant Copley.—Your lordships have decided, that no paper can be received, unless it imports to have reference to the conspiracy; now, no man can say this imports to have reference to the conspiracy.

Lord Ellenborough.—Very frequently a provision is made for the subversion of the government by the substitution of other names, therefore a most pregnant use can be made of it.

Mr. Justice Bayley.—One party might have one list of names to propose, and another party different names.

Mr. Sergeant Copley.—If it were marked, so as to designate it with the object, I should not object to it; but this is not.

Mr. Justice Bayley.—There is enough to connect it certainly.

[It was read, as follows.]

Frans. Burdett,	Gale Jones,
Thos. Hardy,	Roscoe,
Saml. Brooks,	Walter Faulkes.
Chas. Puller,	Thomson, P. G.
Thos. Evans, Sen.	Waithman, L. J.
George Harris,	Thos. Evans, Jun. J.S.

Mr. Barlow.—The next is a letter directed to Mr. Preston.

Mr. Attorney General.—No, put that by, I do not offer that at present.

Mr. Barlow.—The next appears to be a description of the flag. *Nature to feed the hungry; Truth to protect the oppressed; Justice to punish crimes.*

Mr. Solicitor General.—That is accompanied by a drawing of the flag?

Mr. Barlow.—Yes, it is; there is something written at the back.

[It was read, as follows.]

Friends, and Fellow Citizens,

It will not be necessary for me to state the purpose of our meeting this day, as it was generally understood on Friday, it being one of our resolutions. Sir F. B. on account of the dangerous state of his son's health, declines presenting the petition to the George Gwelps ——— commonly called the ———. Mr. Hunt endeavoured to do it. He was refused admittance. He sent it to the ———. We have received no answer, neither do we see or hear of any attempt to call the Par together.

Mr. Wetherell.—Does your lordship think that that writing should be received in evidence.

Lord Ellenborough.—Yes, certainly, this is referable to the general design.

Mr. Justice Bayley.—It is a plan of a speech to be used at that meeting.

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Mr. Richardson.—Castle said that three of them had prepared their speeches.

Mr. Wetherell.—I wish to see the next before it is read. I should certainly have objected to the last, if I had seen it before it was read.

[The paper proposed to be read was handed to Mr. Wetherell.]

Mr. Wetherell.—I do not know what this paper is, we have had no evidence at all about it; there is something about soldiers.

Mr. Gurney.—It consists of questions and answers respecting the state of the soldiers; it is full of alterations in the style.

Mr. Wetherell.—I found my objection on the ground upon which so much argument was raised in the case of Algernon Sidney,* namely, that unless it be shewn that the particular paper was framed by the party for active and instrumental purposes, the mere possession of that paper is no evidence that it was to be used. We have not been told by the witnesses that any printed address was circulated amongst the soldiers, and if there had been it might have been proved in evidence.

Mr. Gurney.—I will beg to read one line, to show its connection with the charge. "How long will a nation endure oppression? Till distress is universal, and parents and children see each other starving; the wants of the belly create a fever of the brain.—When interested men have caused universal distress, what is the probable consequence? Vengeance.—Can the arm of power prevent vengeance? No!!! men will not obey oppressors; the laws of nature forbid it.—Is it unjust to destroy oppression? Oppression is unnatural and ought to be destroyed.—What can justify opposition to men in power? Their crimes, intolerance, and injustice.—When ought men to resist power? When rulers by obstinacy have ruined their country, and the people are starving.—How long ought soldiers to obey their commanders? As long as the orders of their commanders are founded on justice.—Can any conduct of commanders tolerate disobedience of orders? When orders to support tyranny and oppression and increase distress are given, contrary to the will and interests of a nation, the commanders are unjust, and injustice ought never to be obeyed.—Ought soldiers to be the judges of their country's wrongs? Soldiers are men; they have feelings in common with their brethren, and can judge when rulers oppress the people.—When rulers are oppressors and have ruined a country, is it right in soldiers to disobey commanders? Soldiers ought not to be mercenaries, they are a part of the people; they ought not to add to the miseries of their starving industrious brethren; they are paid to cherish and protect them, and not to destroy them.—Are soldiers less benevolent and just than other men? Soldiers have feelings and honesty in common

* 9 How. St. Tr. 817.

with their countrymen; they take up arms to oppose enemies; they have a right to be well paid for their dangers; brave spirits always commiserate brethren in distress."

Mr. *Wetherell*.—This is enough as a specimen, Mr. Gurney; now I raise the objection.

Mr. *Gurney*.—"Ought the soldiers ever to join their countrymen against oppressors? When the rulers have placed themselves and their nation under a foreign control, the soldiers and people ought to have but one feeling."

Lord *Ellenborough*.—All this has reference to the general object—meetings with soldiers and endeavours to seduce them.

Mr. *Wetherell*.—If the circulation of any placard or paper amongst the soldiers had been charged—

Lord *Ellenborough*.—You recollect the conversations with soldiers of similar import and of the same obvious tendency.

Mr. *Wetherell*.—If evidence had been given, that it was proposed to distribute amongst the soldiers a written paper or placard to seduce them from their allegiance, I admit, in accordance with the principle laid down by your lordship, that such paper or placard would be admissible; because there would then be a connection between the means used, and the end to be gained; but I contend that the counsel for the crown cannot produce from a man's *scrutoire* a written paper consisting of a series of questions and answers, which no witness proves ever to have been printed, which no witness proves ever to have been proposed to be printed, and which no witness proves ever to have been attempted to be circulated. My learned friends cannot be permitted to make use of this manuscript, in order thereby to subject the prisoner to precisely the same consequences as if they had proved that he had deliberately formed a plan to print it. The effect of reading such a paper in evidence would be the same as if a plan had been proved to subvert military discipline by the publication of papers, and as if they had proved that it was printed. This paper, found in a man's *scrutoire* is not to be offered in evidence against him in the same way as if it had been printed and circulated.

My lords, I have never heard the rule laid down in Sidney's case disputed, which I understand to be, that papers which were not circulated, and of any proposed circulation of which no evidence has been given—

Lord *Ellenborough*.—The paper read against Sidney had no reference to the crime laid to his charge.

Mr. *Wetherell*.—It contained abstract principles upon government. These are general principles of military discipline: and some of the questions are of precisely the same nature as those which occasioned the rule in Sidney's case. A paper found in a man's desk, unless

you prove an intent to publish it or the fact of publication, is a thing resting in *græmio*—a thing not acted upon, nor instrumental to the objects of any conspiracy, and (as there is no evidence that the paper was ever out of this man's desk) innoxious in respect of any alleged purpose.

Has any evidence been given to prove that, at any of the meetings of these persons, any project of circulating or printing such a paper was mentioned? It is not charged upon the record; nor have you in evidence any one link of connexion, directly or indirectly, with that paper. There is indeed upon the record a charge of an attempt to seduce soldiers, and evidence has been given, of what is called a tampering with soldiers, or endeavouring to seduce them from their allegiance; but I contend that this paper cannot be read, unless my learned friends first prove, either an actual publication or a proposal to publish. I cannot see any ground for its reception, although I have considered the point with great anxiety. The reception of this evidence, would introduce a boundless latitude of evidence; for, if they may read a paper relating to the seduction of soldiers from their allegiance, they may, *pari ratione*, read any paper having reference to the subversion of any man's allegiance. If any of Prynne's writings, or any writing constructively or according to any mode of argument hostile, in any sense or degree, to what may be called the king's government, had been found, those papers also would, upon the same ground, be admissible, for I can make no distinction. Suppose a seditious song had been found, which had no reference to the soldiery, will my learned friends tell me, that that song would have been evidence? If so, they must contend, that any paper in any respect whatever connected with the government and constitution of the country would be receivable in evidence, although there were no charge upon the record, nor any evidence produced, that there ever was an intention of publishing such paper. If this paper is received, your lordships will establish a precedent which will leave no marks, or boundaries for the exclusion of any papers. According to the same principle, any unedited writing, any paper which *ex hypothesi* the party never meant to show, may be received. The attorney-general must argue that this was intended to be used, and that therefore it must be received, although there is not a particle of evidence to prove that it was intended to be made conducive to treason.

My lords, I take the liberty of pressing this point most strongly upon your attention, for I conceive that it is not at all affected by the decisions which you have already come to upon questions of evidence. Your lordships have ruled that, it being in evidence that the Tower was to be attacked, a plan conducive to the purpose of attacking the Tower was admissible; but what link have you, to connect this particular paper with the particular object charged upon the record? Upon this ground I rest my ob-

jection, and submit, that that unedited and unpublished paper is not evidence.

Lord *Ellenborough*.—To call it an unedited paper is to describe it too strongly.

Mr. Sergeant *Copley*.—This really appears to me to fall precisely within the principle of Sidney's case. What were the facts and circumstances of that case? When Sidney, who had written a book enforcing with great zeal and power of argument republican principles, was tried upon a charge of fomenting a rebellion against the king, and compassing and imagining his death, this book was produced in evidence, for the purpose of proving that his mind was so constituted, and his principles such, as to lead a jury to believe that he entertained the intention stated upon the record. It was for the purpose of producing that effect that the evidence was received.

Lord *Ellenborough*.—It was produced as an overt act, and it was none; there was no publication, no overt act. Sidney's case is as clear of this as can be.

Mr. Sergeant *Copley*.—As I understand, the only question there was, as to publication. There had been no publication, it was an abstract speculation in his closet; it might be made use of to show the principles of the writer, but not to show that he meant to carry into effect any hypothetical criminal intent. Observe, my lords, how perfectly analogous that case is to the present: that was a treatise enforcing republican principles; this is a treatise on a question which every man is at liberty to discuss. I do not by this mean to say, that every man is at liberty to circulate amongst the people the result of his inquiries upon the subject; but that every man has a right in his own closet to canvass, discuss, and form, his own conclusions as to the extent to which military obedience ought to be carried; and if he has, in the pursuit of his speculations and inquiries, written in his closet any treatise upon the question, it is cruel to adduce that which has never been revealed to the world, nor acted upon in any instance whatever, for the purpose of showing that the character of his mind is such, that it is probable he has engaged in a criminal conspiracy, and has made attempts to seduce soldiers from their allegiance.

For what then is this speculative tract offered? For the purpose of showing that this man has probably been tampering with the soldiery. The principle is the same here as in Sidney's case; there the question was as to civil, and here it is as to military obedience; I cannot, therefore, say, .. in principle there is any difference between the two cases. And there being no evidence of any intention to act upon this series of questions and answers, which perhaps were not the result of the author's own understanding and judgment, but might have been put down in the course of his inquiry for the purpose of settling his judg-

ment, and which from their very appearance (being full of erasures and alterations) are unfinished, I repeat that it would be cruel to make use of them. Does not almost every man when he engages in the investigation of a political or metaphysical question, put down certain principles? And are these which are thus in the course of being altered, to be taken as displaying his deliberate judgment upon the point? It does not appear, that these were the sentiments of the individual to whom they are attributed; but even if they were, as they were not exposed to the world, my learned friends cannot make use of them for the purpose of showing that the prisoner had engaged in a conspiracy to seduce the soldiers from their allegiance, for which purpose alone they are now offered in evidence.

In Sidney's case, the papers found were in the hand-writing of the prisoner; in this case it is not pretended that these are in the hand-writing either of my client or of any other of the persons charged to be conspirators. They may not be the result of young Mr. Watson's own conviction; for any thing which appears to the contrary, they may have been handed to him, and he may have taken them for the purpose of refuting them. They are found in his closet; every man has in his closet papers received from his friends, selected from curiosity, and sometimes with the view of answering and refuting them. How does it appear that young Mr. Watson did not receive these for the purpose of answering them and showing the fallacy of the principles on which they are founded? I submit that, according to every principle of right reasoning, it would be an intolerable hardship to make use of this paper against the gentleman whose conduct is in question.

Mr. Attorney General.—If the Court should doubt as to the reception of this evidence, I should be extremely unwilling to press it. I submit that it is admissible, but not as a mere paper found in young Watson's possession, and which might have been the mere private speculative reasoning of his own mind, or put into his possession by another man for the purpose of refutation, for we are not attempting to bring forward any papers *unconnected with acts committed*. My learned friends must be aware that the point we are now arguing is as different from Sidney's case as any two cases that were ever spoken of in any court of justice. I offer this paper because I conceive it to be connected with and confirmatory of acts already proved to have been committed by the defendant and the other conspirators, in furtherance of their common object. The doctrine of my learned friends would go to the extent of destroying the admissibility of any papers, unless they had been printed and circulated. I do not offer this as a paper printed and circulated, or intended so to be. But it has been proved (and when I say proved, I hope I shall not be misunderstood, for in arguing upon the admissibility of evidence it must always be taken for

granted that the facts in connexion with and in confirmation of that evidence have been proved), that the common object of these conspirators was, to subvert the government of the country, and the means they took consisted of endeavours to infuse into the minds of the lower orders of mechanics and others amongst whom they went, a notion that they were suffering oppression and injustice; that they particularly addressed themselves to the soldiers in order to seduce them from their duty, and to persuade them not to act in resistance of any acts of violence they should commit, is established by the act of exhibiting that notorious banner at one of their meetings. In whatever language this paper may be couched, the question is whether it does not present corroborative evidence, and show that the objects which they had in view at the time were those acts which were to effect the purpose of seducing the soldiers from obedience to their officers and from their duty to their country. It matters not whether it is put in the shape of question and answer or in any other shape, if it be so connected with those acts which have been proved, as to be ample confirmatory evidence of what has been stated by the witnesses.

This is a very different case from that of Sidney. We do not charge a man with a specific offence, and then produce a paper found in his possession (it matters not whether in his own hand-writing) to show that he is of such a turn of mind as to be likely to commit the offence. This paper, found in the possession of one of the conspirators, is actually connected with the subject matter of the conspiracy, marking and manifesting their common purpose.

Lord Ellenborough.—You need not labour to show the entire diversity between this case and Sidney's. In Sidney's case, the paper itself had no reference to any given object, it contained his abstract speculations in his closet. The question here is, how can you apply this evidence as conducive to effectuating any of the purposes of the conspiracy? It has been proved that communications were made to soldiers, but does this paper relate to any measure which was then in contemplation for the corruption of soldiers? It does not appear in evidence that it was intended to circulate papers in the form of question and answer to corrupt the minds of the soldiers: if it had appeared that such publications were in contemplation, and that this paper had remained in the possession of the party for that purpose, it would have been evidence of that purpose, and in that point of view might have been admissible. The difficulty which presents itself to me is, how it tends to effectuate any of the objects of the conspiracy stated in evidence.

Mr. Attorney General.—Although there is no evidence of an intention to circulate papers amongst the soldiers, there is evidence of the conspirators going about amongst the soldiers, and entering into conversation with them for the purpose of persuading them not to act

against the conspirators, but to be dissatisfied with their situation, with their officers, and the government, and of seducing those soldiers from their duty and allegiance. Now, I humbly submit, that this paper is sufficiently connected with the evidence which I have just stated to render it admissible. But if your lordships do not think that it is fully, fairly, and properly, admissible, I will withdraw it from your consideration.

Lord Ellenborough.—I think you were right in offering it, and, when first offered, my opinion was strongly in favour of its reception. Do you wish to be heard, Mr. Solicitor General?

Mr. Solicitor General.—No, my lord. If the Court entertains the least doubt we will not press it.

Lord Ellenborough.—In such a case, if there be any doubt, my inclination is, to reject a paper offered against the prisoner. If there had been proof of a design to corrupt the soldiers by written papers circulated amongst them, this would have been evidence of a paper to effectuate that purpose: but at present the contents of this paper appear to me to be of too abstract a nature, and too little connected with any object of the conspiracy now in evidence; this renders it, in my opinion, more safe to reject the evidence, although certainly it would bear much argument, independent of Sidney's case.

Mr. Justice Bayley.—I am by no means prepared to say, that, in strictness, this paper is not evidence; but I think it admits of so much doubt, that the attorney-general has exercised a very wise discretion in withdrawing it from the consideration of the Court; because, in cases of this sort I would never receive any evidence as to what a fair and reasonable doubt could be entertained. I will state in few words what raises the doubt in my mind. It appears in evidence that the conspirators went about to different public-houses in order to address the soldiers; and if I could see clearly and satisfactorily that the contents of this paper were intended to have been made use of by either of the conspirators in furtherance of their common purpose, then I should think that it might be receivable in evidence; but it does not appear to have been so intended, and therefore it is possible that it might be a collection of questions and answers intended to be used by young Watson himself, without reference to any common purpose and design. There is no doubt that the act of any one conspirator in furtherance of the common design is evidence against all his confederates; and it is doubtful whether a collection of treasonable questions and answers might not be materials in furtherance of the design; but I think it is so far doubtful that the safer course is to permit the evidence to be withdrawn.

Mr. Justice Abbott.—If the Court had been called upon to decide whether this paper were

admissible or not, I should have wished, before I delivered an opinion upon the subject, to have heard the argument upon it, for I consider the question to be one of considerable difficulty; but I think the attorney-general has acted with sound discretion and great humanity in withdrawing the paper from our consideration. The argument against the reception of the evidence is founded upon a supposed similarity between this paper and the paper in Sidney's case. I have always understood that the ground of objection in that case was not, that the papers had never been published, but that they had no relation to the treasonable practices charged in the indictment. It is laid down in East's P. C. 119, that "writings plainly applicable to some treasonable design in contemplation, are clear and satisfactory evidence of such design, although not published. If, say Mr. Justice Foster and Mr. Justice Blackstone, the papers found in Sidney's closet had been plainly relative to the other treasonable practices charged in the indictment, they might have been read in evidence against him." That is the objection which has constantly been made to the reception of the evidence in Sidney's case. The paper there was not only an unpublished paper, but appeared to have been composed several years before the crime charged to have been committed. I entertain considerable doubt upon the present question; but the present inclination of my mind is, that this paper is too abstract in its terms to be admissible. I have said thus much upon this subject lest any mistake might have gone abroad in consequence of Sidney's case having been assimilated to the present.

Mr. Justice Holroyd.—This case is very distinguishable from Sidney's; and I should certainly desire further argument, before I should decide upon the point. Assuming this paper to be admissible, it would be evidence only, as a thing done in furtherance of the general intention of the parties, and as confirmatory of that intention.

[A copy of the hand-bill for the meeting in Spa-fields, on the 15th of November 1816, was read.]

Mr. Attorney General.—Do not read the next at present. My lords I am about to read the paper in Mr. Barlow's hand.

Mr. Wetherell.—My lords the attorney-general has had the kindness to let me look over the paper in Mr. Barlow's hands, and it appears to me to be for some abstract purpose; I do not know what the paper is.

Mr. Attorney General.—Hand it up to my lord.

Mr. Wetherell.—It is some proposition in algebra.

Lord Ellenborough.—It is some calculation: the subject to which it relates might make it admissible, if the subject were known; but I

cannot put any intelligible construction upon it myself.

Mr. Wetherell.—If the attorney-general can decipher it, he may make something of it, but I cannot.

Mr. Solicitor General.—We will explain it at the proper time.

Lord Ellenborough.—But how can we read it?

Mr. Wetherell.—If the attorney-general will give us an explanation of it, it may be satisfactory but I do not know what it is.

Lord Ellenborough.—Have you any witness to explain it?

Mr. Attorney General.—With great deference to your lordship, it explains itself.

Mr. Justice Abbott.—It appears to be some very obscure calculation.

Lord Ellenborough.—We cannot take this down in words; it must be by a fac simile, and then we must have an explanation. There is 1,000^l. multiplied by 40; but 2,000,000 is the sum of which we have evidence; we have no account of 4,000,000.

Mr. Attorney General.—My lord, I apprehend that which is written—

Mr. Wetherell.—We must take the whole together, the intelligible and the unintelligible!

Mr. Attorney General.—I submit that this is a calculation of different forces, although the numbers and distribution of them are in hieroglyphic. The first Att^r, I should take to be Artillery; H. G^a, Horse Guards; F. G^a, Foot Guards; Ammⁿ, Ammunition; H. G^a, Horse Guards; F. G^a, Foot Guards; B^a, Bank; and T^r, Tower. Being a list found in the lodgings of young Watson, I apprehend it is evidence. It is an enumeration of different corps of his majesty's forces, and is confirmatory of the evidence already given of a design to make some attack or other upon his majesty's forces.

Lord Ellenborough.—How can we know what Ammⁿ. means? If we receive this paper we must say that it has some meaning; if you call shew its meaning, the place where it was found would entitle it to be received; but if you cannot, what could be made of it, even supposing it were received? Have you any witness to prove either the having seen it; or the having had any communication with any of the alleged conspirators concerning it?

Mr. Attorney General.—I have no witness to prove any thing more than what appears upon the face of the paper itself. It is evidently a list of different forces.

Lord Ellenborough.—Unless you can connect this apparent calculation of military force with the conspiracy, I do not see its relevancy. The objection to it is not that it is inadmissible, but that when admitted it would lead to nothing.

Mr. Attorney General.—That being your lordship's opinion, I will withdraw it.

Thomas Hillingworth sworn.—Examined by Mr. Solicitor General.

I believe you are, or were, a servant to Mr. Leach, a gentleman at the bar?—I am now.

Do you recollect being at a public-house in Long-acre (Newton, I think, is the name of the landlord) on the 5th of November last?—Yes, I do.

Whilst you were there, did you observe any young man?—Yes, I did.

In what part of the house were you?—In a little parlour next the bar.

Were any persons with this young man?—They came in one by one, to the best of my recollection.

How many?—Four, I recollect perfectly well, but whether there were more I am not certain; very few more.

When they came in did this young man address any conversation to you?—Yes, he did.

What was the nature of his conversation with you?—When I went into the house first, I went in company with a nobleman's servant who wore a livery; they seemed discoursing amongst themselves for a little while, and then turned round, and observed, that the crest upon his button was the crest of a lord, and they asked him who made his master a lord.

Lord Ellenborough.—There was a coronet upon the button?—Yes, and he could make no answer, not readily, to this question that was put to him; after a little while they turned to me and put the same question to me, upon which I explained it as well as I knew how; and after my explanation to the person, whom I believe to be the younger Watson, they asked me how this nobleman came to be possessed of so much landed property as he was possessed of; and they turned round to the servant, and told him he had a right to as much land as his master, and that the time was now fast approaching when he would be as good a man as his master, and possess as much property; and he also asked by what right he held this property.

Mr. Justice Bayley.—Who asked?—This man put the question.

Lord Ellenborough.—Have you any reason for attributing to him the name of young Watson?—Only from the description given of him.

Lord Ellenborough.—Was he called by that name?—I heard no name mentioned at all.

Mr. Solicitor General.—We have given evidence, by Castle, (indeed it was on the cross-examination of my learned friend, Mr. Wetherell) to the quarrel between young Watson and Mr. Leach's servant at the public-house.

Mr. Wetherell.—No, it did not appear that it was Mr. Leach's servant.

Mr. Solicitor General.—You yourself put the question, whether it was not chancellor Leach's servant.

Lord Ellenborough.—Perhaps the proof would not have come in with the particular name without your question on Castle's examination; certainly it stands, that it was young Watson.

Mr. Solicitor General.—Castle expressly stated that it was young Watson.

Lord Ellenborough.—Yes, he did.

Mr. Wetherell.—He did not say who this young man was; he said there was a violent quarrel between this young man and the servant of an attorney. Now, my learned friend, Mr. Leach, is considerably higher than an attorney.

Mr. Solicitor General.—Or a lawyer.

Mr. Wetherell.—My learned friend, Mr. Leach, is considerably higher than a lawyer.

Mr. Justice Abbott.—I am afraid, by your own question—Whether it was not chancellor Leach's servant? you have let them in.

Mr. Wetherell.—I wish to have it all, my lord. I would not stop it, on any account.

Mr. Solicitor General.—Will you go on?—They entered into a great many different arguments; I do not know whether it would be necessary to mention the whole to the Court; my own judgment is not sufficient to dictate whether it would be proper, or not.

Mr. Justice Abbott.—They came to a quarrel, at last, I suppose.

Mr. Solicitor General.—Was any thing said about the soldiers?—Yes.

What was said about them?—They asked me if I knew——

Mr. Justice Abbott.—Which of them; "they" imports several?—I am not so positive as to say which put that question; but, to the best of my recollection, that person was Castle who put that question.

Mr. Wetherell.—I apprehend any thing that Castle said, cannot be evidence?

Mr. Solicitor General.—It was in the presence of Watson?—To the best of my recollection, it was Castle put the question, but I am not positive. They asked me whether I knew whether there was a double guard placed at Carlton-house; I answered, no. They said they knew there was a double guard placed at Carlton-house.

Mr. Justice Abbott.—Which of them said that?—I believe it was the first that put the question to me, Castle; then this Castle, I believe it to be, made use of the expression, "A double guard will be of no use to the Prince Regent."

Mr. Wetherell.—That was Castle?—Yes, it was; that a double guard would be of no use

to the Prince Regent, for that the soldiers would not fight for such a government as this; that they had been abroad, and had seen how merit was rewarded in France; and that now they would refuse to fight, as they before had done, to support the government of the country.

Mr. *Solicitor General*.—Did it at last end in a quarrel between you and any of them?—It did.

Lord *Ellenborough*.—With the young man?—Yes.

Thomas Hollingworth cross-examined by Mr. *Wetherell*.

You are servant to Mr. Leach?—I am.

I believe on the evening you went to this place, Mr. Leach was at Drury-lane theatre, attending a party of ladies?—Yes.

You went to this public-house?—Yes.

At this public-house Mr. Castle asked you, whether there was a double guard at Carlton-house?—Yes.

Mr. Leach, I believe, has the private entré at Carlton-house, as being one of his royal highness's council?—I believe he has.

Did Castle know you were Mr. Leach's servant?—I do not think he knew at the time any thing about who I was.

Was it Castle who asked you whether there was a double guard at Carlton-house?—Yes, to the best of my recollection it was.

Castle is the tall man?—A stout built man.

Was it the stout man that addressed to you the statement about the soldiers, that they would not fight for such a government as this?—Yes; I believe it was.

Was it Castle who said that they were not rewarded after fighting abroad?—I think it was, but I am not certain.

The other two questions you are certain of?—I am not quite certain.

Did you tell them afterwards whose servant you were?—No I did not.

Was this in the public room?—In the public room; it is a room made use of as a parlour, but when the landlord of the house is at home, he does not allow any body but a few tradesmen, neighbours, to enter it.

How many were there at this time?—There were four.

How many by-standers?—None, but the party themselves, and the young man who went in along with me.

How many were the party themselves?—They were four, the party themselves, whether more I cannot say.

And you and another young man?—Yes.

Were there any soldiers in this room?—None.

That you are certain of?—There was no one who had regimentals on.

If there were only four who came in with you and your friend, there could not be one who was a soldier without your observing it; was there any person in a red coat, or who had

the appearance of a red coat?—Not the least.

Were any of the guards of Drury-lane Theatre present when this conversation took place?—No.

This discussion about Carlton-house excited a little of your feelings, as you were the servant of a gentleman in the household; it made you a little warm?—No, it did not; but when they addressed some discourse to me, they found I did not agree with them, and they said it was like casting pearls before swine to talk to such a fellow as I was, and desired the other to hold his tongue.

We will not go into that; all this was in the private room in which there were no soldiers?—Yes.

Thomas Hollingworth re-examined by Mr. *Solicitor General*.

This was the parlour?—Yes, a place not used for the admission of the public in general.

But it was that evening?—Yes; the landlord was not at home, and the wife had no restriction.

Mr. Justice *Bayley*.—Was there any thing said on the subject of a livery?—Yes.

What was said?—That a livery was a badge of slavery.

Do you recollect which said that?—The young man.

Mr. Justice *Abbott*.—Have you seen Castle since?—Yes.

Do you know by looking at him, whether he is one of these four persons, who were there?—Yes, he is.

Mr. *Solicitor General*.—Will your lordship be good enough to ask him to look at the elder Watson?

Lord *Ellenborough*.—Yes, I think you may put that.

Mr. *Solicitor General*.—It was in consequence of the question put by your lordship as to Castle: will your Lordship have the goodness to put it to the witness.

Mr. Justice *Bayley*.—It will be better you should put it, because then they may cross-examine upon it.

Mr. *Solicitor General*.—If your Lordship pleases, I would not shut them out:—Look at the prisoner Watson?—I have seen him.

Do you believe that he was one of the persons there that evening?—I think he was; I will not positively swear that he was one of the persons, but I think he was one of them.

Mr. Justice *Bayley*.—Did you see any of the others?

Mr. *Solicitor General*.—Look at the three men behind?—The one in the middle strongly also resembles a third who was there; but I cannot speak so positively to his person as to the elder Mr. Watson.

A *Juryman*.—By what name would you designate the middle one?

Mr. Gurney.—The gentleman in the middle is Mr. Thistlewood.

Mr. Wetherell.—You never saw them before that time?—No.

Nor have seen them since, till the present time?—I saw the three of them the first day of the Spa-fields meeting; one of them got up at the right-hand side of Mr. Hunt, the third, Castle, got on the wheel of the carriage.

You went to Spa-fields meeting?—I live that way. I was going home to dinner, it was very little out of my way; and I went out of curiosity, thinking I should see the persons whom I saw at Newton's.

Lord Ellenborough.—Did you remember them then?—I did three of them.

Mr. Justice Abbott.—In what situations did you see them?—The younger man was on the right of Mr. Hunt, and the other, whom I now understand to be Mr. Thistlewood, or the person who so strongly resembled him, was on the left, and Castle upon the wheel.

Was that before they went into the house called Merlin's Cave?—Yes.

John Dyall sworn.—Examined by Mr. Topping.

Do you know the prisoner at the bar, Watson the elder?—I do.

Do you know a person of the name of Hooper?—I believe I have seen him.

Do you know a person of the name of Preston?—I do.

Do you know Thistlewood?—I have seen him.

With which of those persons have you been longest acquainted?—With Mr. Watson and Preston.

How long before the Monday before last were you acquainted with Watson and Preston?—Not before the latter end of October or the beginning of November.

Do you know the public-house called the Sun, in Slaughter-street, Spital-fields?—I do, very well.

Were you at that public-house in the beginning of November?—Yes, I believe I was.

Oh, do not believe, are you not sure?—I was in that house.

Can you tell me what day of November it was?—I think it was on Monday the third.

Whether Monday is the third or the fourth, you do not know, perhaps?—It was on the Monday.

Was it on the first Monday in November?—I believe it was.

Was there to be a meeting at that public-house in the evening?—I understood there was.

On that understanding did you go to the house?—I did.

At what time in the evening was it you went there?—About seven o'clock, I think.

Did you find any persons there, when you came to that public-house?—There were two or three in the room previous to my going.

Were any of the persons, whose names I

have been giving to you now, there before you came?—I think not.

Recollect yourself, whether Preston was there?—Not when I first went, I think.

How soon after you had gone did any of them come there?—It was not more than a quarter of an hour, or half an hour.

Which came in first?—Mr. Preston I first saw.

Had you any conversation with Preston?—It was not particularly with him; but it was public-house conversation, sitting round the fire; we entered generally into conversation, previous to any business commencing.

Had you any conversation about liquor or any thing of that kind; that is public-house conversation?—Certainly; the conversation respecting liquor was this; I had no money myself to pay for any liquor; Mr. Preston says (not calling me by name, for he did not know my name, that was matter of little consequence) a pint or two of beer would be of little consequence.

Had you spoken to him about your having no money?—This was publicly, in the company.

You had said publicly, in the company, that you had no money?—Yes.

To which Preston said, that a pint or two of beer would be of little consequence?—Yes, that was no object; that he did not like to see a poor man in distress.

You had some beer?—Yes, I drank some.

Did you see him take out any money?—I did, he had some in his hand.

How soon after that conversation with Preston, did Mr. Watson come in?—He came in during the time.

Do you know his son, young Watson?—Yes, I have seen him.

Did he come in with him?—I do not know whether they came together; they were both there.

After you had been there some time, did you proceed to business?—Yes.

You have told us you understood there was to be a meeting there, which was the reason of your going; did the meeting proceed to business after that?—Yes, they did.

What was the business of the meeting?—I understood the meeting was intended to petition for a Reform in Parliament.

Were any speeches made by either of the Watsons, or both, to the meeting?—Yes, there were.

By both?—By the elder Watson.

How many did the meeting at that public-house consist of?—It was a very small room; it might consist of thirty. I did not exactly count the number.

On this talk about a petition for a Reform in Parliament, do you recollect Preston saying any thing?—Yes, I do.

What did he say?—He said petitions had been sent to Parliament so frequent and so often, and so little attended to, that he thought it was of very little use petitioning any more;

which I thought was somewhat irregular, that one of the party should come in and propose to petition Parliament for Reform, and another should stand up to contradict the necessity for it.

What further did Preston say?—That was the general tenor of the conversation.

What further did he say; as petition was of no use, did he propose any thing else?—No, I do not recollect particularly that he did.

He said something further, you say; what was it?—All that he said amounted to the same thing, denying, in fact, the utility of it; that it was necessary; but still he thought it would not avail any thing.

Did Mr. Watson produce any thing to the meeting?—He produced some papers.

Mr. Justice Bayley.—Was that the elder Watson?—Yes.

Mr. Topping.—Did he give them any name?—A title was given it; that it was a memorial.

That was what he called it, a memorial?—Yes.

Did he read the memorial to the meeting?—He did.

You heard it read?—I did.

Was any body appointed to any office that night?—I was nominated to the Chair that night.

Was any other person nominated to any office that night, that you recollect?—The younger Watson was appointed as secretary, I believe, for that evening only; it was not said whether he was to continue in that situation.

Did you attend any other meeting where these said parties attended?—I attended at the same house again.

When was that?—I think it was on the Thursday evening following.

Did you know where Preston lived at that time?—No, I did not at that time.

Did you ever learn from Preston where he lived?—He never informed me.

Do you know a place called Greystoke-place?—Yes.

Were you ever there?—I have been there.

What is the number?—I think it was No. 9, if I am not mistaken.

How came you to go to No. 9, Greystoke-place?—I will tell you; an advertisement appeared in the Independent Whig with my name to it, convening a meeting in Spa-fields.

For what time?—The first meeting as it is called.

The advertisement appearing in the Independent Whig, for a meeting in Spa-fields on the fifteenth of November with your name to it, I think you say?—Yes, I knew nothing of its appearing with my name until Preston was under the necessity of making me out.

You knew nothing of your name being put to it?—Yes, therefore, Preston was under the necessity of making out where I lived, or where I could be found, for he did not know where I lived; I will tell you why he was under the necessity.

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I do not want to know that, only why you went to Greystoke-place?—I will tell you; the Editor of the Independent Whig did not at that time print bills.

We do not want to know any thing about the bills.

Mr. Justice Bayley.—He is going to tell you the reason of his going there.

Mr. Topping.—Did you see Preston at No. 9, Greystoke-place?—Yes, I did.

You have told us you had seen Thistlewood; who introduced you to Thistlewood?—There was no one person in particular introduced me to him; he came into the room where I was.

Where was that?—At Greystoke-place.

How was he dressed at that time?—He was dressed very much like a gentleman.

What was his dress?—Boots, I do not know what they call them; Hessian boots, I believe; I did not take any particular notice; I did not think any thing might ensue from that.

You were introduced to Thistlewood at Greystoke-place?—Yes, at No. 9.

Do you recollect how soon it was after the meeting of which you have spoken?—I cannot say.

Mr. Justice Abbott.—Was it after the meeting?—It was after the advertisement appeared.

Mr. Topping.—Was it before the first meeting?—Yes, it was.

John Dyll cross-examined by
Mr. Wetherell.

Are you the same person that was called the Green-coated orator at the Brentford election?—I am.

The identical Green-coated orator?—Yes the very same.

You go by that name?—I do not go by that name, but I am the identical man.

You are the man who harangued at Brentford for fourteen days?—No; I was the orator in Covent-garden, part of the time.

For how many days running did you speak there?—I believe it was part of two days.

I thought it had been part of fourteen?—Oh, no.

You are the identical man, called the Green-coated orator?—I really am.

I believe that most of the people at these meetings know you very well?—Yes, I believe, as being an honest man and speaking my mind.

And I believe you are good-natured enough to lend your name out for meetings?—Oh, never in my life.

When your name was used, did you object to it?—It was made use of without my leave and consent in the first instance.

You consented afterwards?—The application was made to me afterwards, and I consented; but it was with great difficulty on my part they could get me to do it: I thought it a constitu-

tional right, and sanctioned it, to petition Parliament; and though they had at first made a fraudulent use of my name, without my leave or consent, I would not disappoint the meeting, conceiving it to be for constitutional purposes.

Had they applied to you before the meeting to use your name?—Yes, for a meeting at Spa-fields; the reason I gave my name was, the printer of the Independent Whig did not print bills, and the printer would not print it without the hand-writing of the Chairman and Secretary.

Notwithstanding this use of your name, you were good-natured enough to say you did not object to it.—I did object to it.

Your objections were softened down?—I will tell you the reason. Mr. Preston said, after some altercation between him and me, "Dyall, I want you to sign this, as you were Chairman at the Carlisle." "Why," says I, "I never was at the Carlisle; neither that day nor that night." After some altercation, he says, "Dyall, your name already appears in the Independent Whig." I said, "my name appear in the Independent Whig. I am surprised at that." I conceived it was only as a paragraph, that Mr. Editor had been throwing out some slurs, or something of that kind; he says "your name appears in the Independent Whig, as Chairman at this intended meeting." I said, "You might probably have made choice of some person of more respectability to gloss the meeting over." He said "O no." I said to Preston, "Have you got the Independent Whig in your pocket?" He says "No, I have not." He says, "Do you know any body who takes it in?" I said, I did; and we went to a public-house, and seeing it was for constitutional purposes, I said I would not frustrate the meeting; I knew of no other object, but that of a petition to Parliament for a reform in Parliament.

You went to Spa-fields?—Yes, I did.

You claimed the chair, I believe?—Oh, no, I did not.

Did not you give some hint that you had a little claim to the chair?—Oh, no.

Who was made the Chairman?—A friend of Mr. Hunt's, I believe.

Were you put in nomination for the Chair?—I was not, indeed.

Thomas Makins sworn.—Examined by Mr. Gurney.

On Monday the 4th of November did you go to any public-house in Slaughter-street?—I did.

Did you see Mr. Watson the elder there?—I did.

Mr. Watson the younger?—To the best of my knowledge I think it is him, by the description I have seen of the man since.

Did you see Mr. Preston there?—I did.

Mr. Thistlewood?—I cannot speak to the gentleman, unless I see him.

Look at the gentleman behind the warder

there; look at this gentleman with a coloured handkerchief round his neck, and see whether you know him?—That is the gentleman.

Did Mr. Watson the elder read any paper there?—He did.

What did he call it?—A memorial.

Was any proposition made at that meeting to call any other meetings?—Yes, there was.

At one house, or at more houses than one?—At five different houses.

Was one of those five houses the Carlisle Arms?—It was.

Did you on or about the Thursday following attend a meeting at the Carlisle Arms?—Yes, I did.

Did you see Mr. Watson the elder there?—Yes, I did.

Did you see Mr. Thistlewood there?—Yes, I did.

Who paid the reckoning for the beer that was drank at that meeting?—There was somehow or other about eleven shillings paid by Mr. Thistlewood, and the remainder was made up by a person who I have been given to understand was Watson junior.

Is the landlord's name Sheffield?—Yes, it is.

Did a person of the name of Smith go with you?—Yes, a neighbour of mine.

John Sheffield sworn.

Lord Ellenborough.—Mr. Gurney, I suppose all these witnesses are called in confirmation of Castle's evidence of yesterday, as to their going to different places, and being in different societies?

Mr. Gurney.—Yes, they are my lord; I shall examine them very shortly.

Examined by Mr. Gurney.

Do you keep the Carlisle Arms?—I did.

On the 7th of November last was there any meeting held at your house?—There was.

Did you see a person of the name of Watson there?—I did not know any person except a man of the name of Smith.

Who paid you any part of the reckoning?—A tall man.

What name did he give you?—He gave me the name of Thistlewood, Southampton-buildings, upon the note.

Look at that gentleman with the silk handkerchief round the neck; do you know that gentleman at all?—No, I do not.

Who wrote the name upon the note?—The person that I took the note of.

[Mr. George Dyer, a clerk in the Bank of England, produced a bank note, and it was shewn to the witness.]

Mr. Gurney.—[to Sheffield.] Is that the bank note with which you were paid?—It was a ten pound note.

Do you believe that to be the note with

which you were paid?—It was a ten pound note; but I cannot say that this was the identical bank note.

Do you find a name written upon it?—It was Thistlewood, or Thistlewise, Southampton-buildings. There is a good part of it torn out.

Mr. Gurney.—Here is A. Thistle Southampton-buildings.

Mr. Wetherell.—If it were at all relevant, I should object to it; there may be a thousand persons of that name of Thistlewood.

Mr. Gurney.—The last witness proved that the reckoning was paid by Thistlewood.

Mr. Justice Bayley.—He did not say how he paid it, whether by a note or otherwise.

Mr. Gurney.—How much did he pay you?—Six shillings and sixpence.

Six shillings and sixpence, you think?—Yes.

How much was the whole of the reckoning?—Six shillings and sixpence.

John Sheffield cross examined by
Mr. Sergeant Copley.

If any body has said that the reckoning amounted to more than eleven shillings, he has not told truth?—No, six and sixpence was the whole of the reckoning.

William Smith sworn.—Examined by Mr. Gurney.

On Monday the 4th of November were you at the Sun in Slaughter-street?—I was.

Who was in the Chair at the meeting that night?—A person of the name of Dyall acted as Chairman that night.

Did you see the elder Mr. Watson and Mr. Thistlewood there?—I saw the elder Mr. Watson, I have not a knowledge of Mr. Thistlewood.

Look at that gentleman with the silk handkerchief round his neck, and say whether you saw him there?—I cannot undertake, upon my oath, to say that I know him.

Were you on the Thursday following at the meeting at the Carlisle-Arms?—I was.

Did you see the gentleman I have pointed out at that meeting?—I cannot undertake, upon my oath, to say that I saw him there.

After that, did you see Preston in that part of the town?—Yes.

Did you see any men carrying on their backs placards for a meeting in Spa-fields?—I did.

At what place did you see those men?—In the Carlisle tap-room.

How many of them did you see?—I am not certain whether three or four.

Did you see Preston in company with them?—I did.

From whom did those persons receive their directions?—From Mr. Preston.

Who paid them?—Mr. Preston.

William Smith cross-examined by
Mr. Sergeant Copley

You say that Preston paid them; did you

see him pay them?—I saw him give them some money, I know not what.

Whether it was payment for the placards you know not?—I know not.

What was the amount of the money?—I cannot say.

For any thing you know, it might be something for them to drink?—For aught I know.

This meeting at the Carlisle arms was for Parliamentary reform?—I always understood it so.

Dyall was in the chair?—Yes; he was.

That was before the first Spa-fields meeting?—Yes, it was.

William Smith re-examined by Mr. Gurney.

Did you see Preston give those men directions?—The men that had the placards, I heard him order them to roll the placards up, and to meet him the next morning.

Robert Emery sworn.—Examined by
Mr. Gurney.

Do you keep the Union, in Union-street, Shoreditch?—Yes.

Just before the first Spa-fields meeting was there any meeting held at your house?—There were some people there, but I had no knowledge it was a meeting.

What number were there?—There might be thirty, forty, or fifty.

Who paid the reckoning?—A person gave me the notes, who said his name was Watson.

Look at the prisoner Watson, and say whether he was the person?—I do not know the gentleman again.

Did one person pay the reckoning?—Yes.

James Skinner sworn.—Examined by
Mr. Gurney.

Are you acquainted with the elder Watson, the prisoner at the bar?—I have seen him.

How long ago did you become acquainted with him?—I cannot rightly say.

Where was it?—I think at the Nag's Head, Carnaby-market.

When was it?—I cannot rightly say.

Used you to meet him there from time to time?—No, never, never.

Do you remember taking a walk with him in the month of October?—In or near that time.

Was any body present?—Him and Castle.

Castle, the witness who has been examined?—Yes.

Where did you take a walk to?—As nearly as I can recollect we went round by the Regency Park; I recollect going up King-street, Portman-street, and into Hyde Park.

There are barracks in King-street and in Portman-street?—I think there are.

When you came to them, did any of the party stop?—Yes.

Who did?—I think they both stopped.

Had they any conversation there?—I do not know, I walked on.

Did they ask you any question?—There was

conversation about different things, but I cannot recollect what it was; it is a long time past.

Did you learn from him whether they had been there before?—There was one question which I thought a very foolish one; they asked me whether I could ride, and I said no; that was the only one that I can recollect.

Whether you could ride on horseback?—Yes.

Did you learn whether they had ever been there before?—One of the gentlemen said he had been at the barracks before, but which I do not know.

Mr. Justice Bayley.—Did he say it in the hearing of the other?—I cannot say.

Who was he speaking that to?—I cannot say which it was, we were walking all three together.

You do not know which of them said that?—I do not.

Was any thing said about the entrances to the barracks?—There was a dispute about it between the two, but what was said I do not know.

About what?—About the entrances into the barracks.

Mr. Justice Abbott.—Did you leave them in Hyde Park?—No, I left them in Piccadilly.

Thomas Osborn sworn.—Examined by Mr. Shepherd.

Do you know a man of the name of Castle?—Yes.

A few days before the first Spa-fields meeting did you meet him?—Yes.

What conversation had you with him?—He asked me whether I was out of employ.

Mr. Wetherell.—This is a conversation with Castle, and he is not one of the co-conspirators; we have nothing to do with what Castle said.

Lord Ellenborough.—He is giving evidence in confirmation of what Castle has related.

Mr. Shepherd.—What did Castle say to you?

Mr. Wetherell.—That is Mr. Castle confirming himself.

Lord Ellenborough.—He met him a few days before the first meeting at the Spa-fields.

Mr. Shepherd.—What did he direct you to do?—He asked me whether I was out of employ, and I said Yes; and he told me he would tell me of a job, if I would go; and I said I would. He asked me if I could tell him of five or six more; I told him there were several at the Constitution out of work.

What did you do in consequence of his direction?—I went up to the Constitution, and he came up on the Monday night, and treated us with some beer, he and Thistlewood; they told me his name was Thistlewood.

Who told you his name was Thistlewood?—Mr. Castle.

Do you know anybody who was with Castle

then?—Yes; I think that is the gentleman there in the middle [Thistlewood.]

Whereabouts is the Constitution public-house?—Lisson green near Mary-le-bone.

Is it near Paddington?—Yes.

What sort of men usually come to that public-house?—Working men; tradesmen.

Do any navigators usually come there?—They used to do, very few use there now, there used to be a great many there at the time the cut was going on, but there are none now.

Did any go there at the time you went?—Very few then.

Did you have anything to eat and drink while you were at that public-house?—Not in the Constitution, we did not that night.

At any time afterwards?—Yes, afterwards we did.

Where did he direct you to go afterwards?—The Cock in Grafton-street; we were to meet him there at twelve o'clock the next day.

Did you meet him there?—Yes.

Whom were you to meet?—Mr. Castle told me to come down there, he did not tell me who to meet there.

What took place there?—We had a shilling a-piece given to us, and a great bill put on our backs, and a number in our hands to give away.

How many went?—Six.

Who were there besides the six people who went with you? were the bills put upon your backs in the tap-room?—No, we went in, two by two, to the parlour.

Who were in that parlour?—I cannot say who they were, there were a great many; I recollect Mr. Preston and Mr. Castle, and nobody else.

Nobody else you recollect?—Not that I recollect.

Did you go about the streets with those bills?—Yes.

You recollect Castle and Preston being in the room, you say?—Yes.

There were other people there?—Yes, I do not recollect who they were, the room was full.

Did you afterwards take those bills about the streets?—Yes.

Thomas Osborn cross-examined by Mr. Wetherell.

You were out of employ at this time?—Yes.

Do you recollect the day this took place?—I do not, it was about a week before the first Spa-fields meeting.

At that time you had not many navigators come to this house?—No, not at that time.

The occasion of their coming was, when they were cutting the canal?—Yes.

That was a long while ago?—Yes, there were a good many used to hang about there.

At this time very few attended there?—Yes.

If any person has stated, there were a good many navigators at this house in November, it is not true?—I did not see any there.

You went frequently to the house?—Yes, I lodged at the house at the same time.

If any man has said, there were a good many navigators there at the time you were lodging there, he has said what is not true?—There might be a good many there, as I did not see.

You lodged there?—I was not always in the house.

But according to your view, there were not many navigators there then?—There were not then; I was very seldom there of a night.

Mr. Gurney.—We have all the other bill-stickers, but we should be wasting your lordship's time, if we were to call them all.

Lord Ellenborough.—You may announce their names.

Mr. Gurney.—If my learned friend wishes I should call any of them, I will do it.

Mr. Wetherell.—No, I do not.

Mr. Thomas Wood sworn.—Examined by Mr. Attorney General.

I believe you are the landlord of a house at No. 9, Greystoke-place, are you not?—I am.

Were you so in the months of October and November, in the course of last year?—Yes.

Were you applied to about that house, some time before Michaelmas?—I was.

Do you recollect how long?—I should suppose not quite three weeks before Michaelmas.

Who was it applied to you about the house?—Mr. Watson.

Do you mean the prisoner?—I mean Dr. Watson [pointing to the prisoner].

Mr. Justice Bayley.—Do you allude to new Michaelmas or old?—New Michaelmas, about three weeks before the quarter commenced.

Mr. Attorney General.—Did he tell you for whom he wanted it?—I understood to carry on the profession of a surgeon.

Did you let it to him?—I did.

In what way did you let it to him first?—It was, as I observed before, before the quarter-day arrived; to the quarter-day he was to pay me by the week till we commenced the Michaelmas quarter.

How was he to continue afterwards?—By the quarter; thirty-four pounds per year.

Did you learn from him for whom he took the house, whether he took it for himself or for any body else?—For himself; I do not know to the contrary, I understood it as such.

Were there any alterations proposed to the house?—Doctor Watson asked me, if it was agreeable to me to make an inner door to the passage; which I agreed to, provided that it was left in the state that it was when he took it.

You let the house to him?—I did.

Did you go there when any persons were there?—I often passed the house, but I never went in.

Therefore, who resided in the house you do not know?—I do not.

Mr. Thomas Wood cross-examined by Mr. Sergeant Copley.

You know Watson is a surgeon?—I have heard so.

With respect to this inner door, what was the situation of it?—I consider it was a door before you came to the parlour from the street, or rather court.

What is the ground plan; does it consist of more than one room on the ground floor?—Yes, two rooms on the ground floor.

One front and one back?—One front.

And the other at the back of it?—Yes.

Was there a passage going from the street-door on the right or the left side of those two rooms?—There was a passage leading from the street through the building to the stairs, which went down.

With those rooms either on the right or the left?—With the rooms to the right.

Where was this new door?—A surgeon lived in it before, and he had a door of that description, which made a lobby.

There was an outer door, and he wanted an inner door a little further back, so that persons might come in when they knocked at the door?—Yes.

As we see in ordinary surgeons houses?—I considered so.

As it was with the preceding occupier, who was a surgeon?—I considered so.

Mr. Thomas Wood re-examined by Mr. Attorney General.

Was any such alteration as that, made by you?—No.

Do you know whether it was made at all?—It was not.

Mr. Sergeant Copley.—Was any thing said by doctor Watson, that he wanted a place convenient to the hospital for his son?—No, nothing of the sort ever passed between us.

Lord Ellenborough.—Did you pass that way and see the appearance of the house?—I often passed that way.

Did you see whether there was any appearance of the business of a surgeon being carried on, or any other business in the house?—I did not, I often wondered to see it in the state that I did see it.

Mr. Sergeant Copley.—Will your lordship allow me to request your lordship will ask the precise date of the application?

Lord Ellenborough.—What was the time of this application about the door?—When Dr. Watson took the house of me, that was the conversation between him and me; I never saw Dr. Watson afterwards till I saw him in Cold-bath-fields.

You never saw any thing to indicate that the profession of a surgeon, or any other profession was carried on in that house?—No, I did not.

A Jurymen.—Will your lordship allow me to inquire whether he ever saw it shut up in passing?—No, never.

It was always open?—Yes.
Did you ever pass at the hour of ten or eleven in the morning?—Perhaps not so early; I live a little way out of town, and never passed it so early as that.

Mary Apted sworn.—Examined by
Mr. Solicitor General.

Had you the care of a house in Seymour-place belonging to Mr. Cosser, in the month of November last?—Yes.

Is Seymour-place near King-street?—It is a distance off.

What distance off?—May be a quarter of a mile.

Do you know Portman-street barracks?—Yes.

How far is it from Portman-street barracks?—It is but a very little distance more.

What do you mean by more?—Portman-street barracks are just against Oxford-street.

Is it about the same distance from the Portman-street barracks, that it is from the King-street barracks?—Yes.

Do you recollect in the month of November last, two men coming to ask about the house?—I have had so many people asking me about the house—

Do you recollect, in November last, any men coming to ask about the house?—I do not remember any particular person coming in November.

You do not recollect any person particularly?—No.

Do you recollect referring any persons to Mr. Cosser about the house?—Yes.

He is the owner of the house?—Yes.

Where does Mr. Cosser live?—No. 4, Milbank-street, Westminster.

Mary Apted cross-examined by *Mr. Wetherell*.

This house, I understand you to state, is about a quarter of a mile from each of these barracks?—Yes.

This was about last November?—Yes.

I take it there were a good many empty houses at your end of the town, about that time?—I cannot say.

Did not you see many bills up, about that time?—I cannot say—I did not go out much.
You do not know any thing of the King-street barracks, or the Portman-street barracks?—No.

Were you ever at either of them?—No.

You were at the house to take care of it?—Yes.

Mr. Solicitor General.—Though you have not been at the barracks, you know where they are?—Yes.

Mr. Walter Cosser sworn.—Examined by
Mr. Topping.

You are a timber merchant, in Milbank-street?—Yes.

What number?—No. 4.

Are you the owner of a house in Seymour-place?—Yes, two houses.

Were you, in November last, the owner of a house, of which the last witness had the care?—I do not know her name, and I did not see her.

There was a woman in care of it?—Yes.

What distance is the house from the Portman-street barracks?—I do not know the situation of the barracks.

Do you remember being waited on by any persons to take that house?—I had many applications during the months of October and November.

Do you remember any person coming and giving you a reference to another of the name of Thistlewood?—Yes, a young man, who called himself James Watson, came the latter end of October or beginning of November, and wished to take the house that had a shop attached to it. I asked for a reference, as he was a stranger, and he referred me to a Mr. Thistlewood, living in Southampton-buildings Chancery-lane.

Did he state to you what the purport of his reference was to that person?—He stated that Mr. Thistlewood was a man of independent property and fortune, and would speak to his, Watson's, respectability, as a fit tenant for me.

In consequence of that reference did you go to Southampton-buildings, Chancery-lane?—I did.

Who did you inquire for when you went there?—I inquired for Mr. Thistlewood.

Upon your making inquiry for a person of the name of Thistlewood, did you see any person who answered to that inquiry?—I was shown up stairs; I forget whether it was two or three pair of stairs, and was shown into a back room to a person named Thistlewood; he did not name himself so to me, but I was shown to him as a person of that name.

Lord Ellenborough.—That person answered to the name of Thistlewood?—I do not recollect whether he did; I inquired for that name of the servant who opened the door.

In consequence of that inquiry, a person came to you?—I went up to him.

Mr. Topping.—Had you any conversation with him about the person taking that house?—I told him of the application of Mr. Watson, and that he had referred me to him, Mr. Thistlewood, to vouch for his character as a proper tenant. He told me (I speak to the best of my recollection) that Mr. Watson was of a respectable family in Lincolnshire; that his father was a farmer there; had a great deal of property, which he farmed to a considerable extent; and that he would be answerable for him upon every score, speaking generally. I do not exactly recollect the words.

Had you further conversation with him at that time?—I do not recollect any further conversation at that time; there might be further, but I do not recollect it.

Were you waited upon afterwards by the person who first referred you to Mr. Thistlewood?—He called, but I do not know whether I saw

him or sent a message by my servant, to say I would not let the house to him.

I believe you are near-sighted?—Yes, I am very near-sighted.

Can you see whether the person is here?—I cannot see without I am very close; the difference of the dress and style is so great, I feel it impossible to speak to him.

That person [Thistlewood] is not dressed as the person you saw answering to the name of Thistlewood was?—To the best of my recollection, he was dressed in a blue coat and Wellington trowsers; whether they were blue or grey, I hardly recollect.

From the difference of dress, you cannot swear you recollect him?—I cannot positively swear to him.

Mr. Justice Bayley.—You have not asked for what purpose the house was to be taken.

Mr. Topping.—Was the purpose of the house being taken, mentioned to you?—Yes; Watson stated, it was for an oil and seed shop; I did not exactly understand the meaning, and particularly asked him, if it would be any nuisance in the neighbourhood; and he stated not, that it was for the sale of seeds and oil.

Did the person who applied to you, mention who was to live there, and carry on the business?—I understood the person applying; he applied for himself, as I understood.

Do you recollect, about what day of the week it was you sent the answer, that you should not let it?—No, I cannot recollect.

How many days after you had been in Southampton-buildings?—I cannot speak positively to that; to the best of my recollection, it was two or three days; but I cannot speak positively to that.

Looking at this person, you cannot take upon yourself to swear positively; what is your belief upon the subject?—To the best of my recollection, that is the countenance of the man I saw in Southampton-buildings.

Mr. Walter Cosser cross-examined by Mr. Sergeant Copley.

When did this negotiation go off?—It was within three or four days, certainly, of the time I mentioned, when Watson first applied; within three or four days of my seeing Mr. Thistlewood.

Can you tell us the precise day of the application?—No, I cannot.

Will you tell us as near as you can?—I cannot speak nearer, than its being the latter end of October, or the beginning of November.

I understood you to say, that this conversation, taking place a good while ago, you cannot be very accurate as to the whole of it?—No, I cannot; I can only speak to the best of my recollection.

Something was said, about Mr. Watson being of a respectable family in Lincolnshire?—Yes.

And something was said about his father?—Yes, farming a considerable estate.

Can you take upon you to swear, it was the word "father," and not either grandfather or family?—Certainly, to the best of my recollection, it was "father."

Have you such a distinct recollection, as to swear positively?—No.

Mr. Justice Abbott.—Were you informed that his father lived in London?—No.

You are quite sure of that?—Quite sure.

Lord Ellenborough.—Was there any discussion with you about the terms; was any thing to be paid for fixtures, or any thing?—I stated the terms upon which I would let the house were sixty pounds a year; and he was to pay for the fixtures.

And what were the fixtures to be?—I believe seven or eight pounds; not exceeding that.

Did he say any thing about rent in advance?—I forget whether I mentioned to him before, or when I sent out word afterwards to him, that I would not let him be a tenant, not liking the reference, unless he would give me the rent in advance.

To the best of your recollection, you sent that message to him?—To the best of my recollection, I did.

Margaret Maria Folkes sworn.—Examined by Mr. Topping.

Did you live servant in Southampton-buildings, Chancery-lane?—Yes.

With a Mrs. Corbould; did you not?—Yes,

When did you go to live with Mrs. Corbould?—I went in the month of September.

In the last year?—Yes.

How long did you live with Mrs. Corbould?—I left there, on the 29th of November through illness.

Did you know a person of the name of Thistlewood?—Yes, he was a lodger at Mrs. Corbould's.

Do you know him when you see him?—Yes; that is him [pointing to Thistlewood.]

How long had you been at Mrs. Corbould's before he came to lodge there?—I believe I had been there about a week, to the best of my knowledge.

Who came along with him?—I believe it was Mrs. Thistlewood likewise.

Was there any family?—There was a young boy, about ten years old.

After he had lodged there some time, do you remember a person of the name of Watson calling on him, a young man?—Yes.

Was there a young man who was called by Thistlewood, Watson?—Yes.

How long had Thistlewood lodged in the house before this person called on him?—That I cannot say.

After some time, did he call frequently?—Yes; but his visits were very short.

Did he dine sometimes with Mr. Thistlewood?—Yes, sometimes.

Was that acquaintance kept up as long as you continued there?—Yes.

Were his visits more frequent during the latter part of the time?—Yes, to the best of my knowledge they were.

That was the place where Mr. Thistlewood slept?—Yes.

Was there another person of the name of Watson used to call upon him?—Yes, the elder person.

Was this the person?—Yes, that is the person [pointing to Watson].

You remember being ill? Did that person prescribe for you at all?—Yes, he did.

That was during the time you were there?—Yes, he prescribed for me the day before I went away.

How used Mr. Thistlewood to dress?—He used to dress in a light blue coat and coloured trousers.

That was sometimes his dress?—Yes.

What was his dress at other times?—Sometimes he used to wear a dark great coat.

Over the blue?—Yes, sometimes.

Do you recollect his having any other coat but the blue coat?—No.

You left, I believe, at the end of November, did you not?—I left upon the 29th of November.

Do you observe the hair of this Mr. Thistlewood now?—Yes.

Do you recollect the state of his hair, when at your house?—It was much of the same colour, or it might be lighter.

It appears to you much of the same colour now, that it was then?—Yes.

Eleanor Corbould sworn.—Examined by
Mr. Richardson.

You have a house in Southampton-buildings, have you not?—Yes.

Did Mr. Thistlewood and his wife lodge at your house for some time?—Yes.

What time did they come there?—About the middle of September.

Is that the gentleman who sits there, with a coloured handkerchief about his neck?—Yes.

On what day did he leave your house?—I believe it was on the 2nd of December.

Was that the day of the riot?—Yes.

Do you remember whether, the day before that, he had any company to dine with him?—Yes, I believe he had.

Do you know their names?—Yes, two gentlemen of the name of Evans.

The father and the son?—Yes.

On the 2nd day of December, the day of the riots; do you remember what time he went out in the morning?—No, I do not.

Did he leave home in the morning?—Yes.

Did he call again in the course of the day?—I did not see Mr. Thistlewood, but I understood he was there again in the evening.

Did he sleep there that night?—No.

Have you seen him any more since that time?—No.

Had he before that time given you any notice of any intention to go away from the house on that day?—No, not any.

Did Mrs. Thistlewood and the child remain there the night of the Monday?—Yes.

He went away that evening, leaving his wife and child there?—Yes.

When did they leave your house?—On the following evening.

Barbara Smeed sworn.—Examined by
Mr. Richardson.

I believe you are the wife of Thomas Smeed; are you not?—Yes.

Does he keep the Brazen Head public-house, in Upper Lisson-street, near Paddington?—Yes.

Is your house frequented by navigators, or persons working on the canal?—A great many.

The Prince Regent's canal and the Paddington canal?—Yes.

Do you recollect at any time any gentlemen coming there and treating the navigators?—I remember there were some men came in.

Mr. Wetherell.—It is too generally put, unless it is connected with any gentlemen afterwards.

Mr. Richardson.—Do you remember any gentlemen treating the navigators with beer at your house, in November last?—I cannot say when; but I remember some men coming in and treating some men with beer.

What men?—I cannot say whom; different people.

Were there any bills brought about any meeting?—There were some bills brought in and put on the table.

Do you know what bills they were?—No, I did not look at them that I know of.

Were they about the Spa-fields meeting?—I cannot say.

Did you see what they were about at the time they were brought to the house?—I never noticed them.

Did you take any one of them?—There was a bill put up, but it was taken down.

Who took it down?—One of our officers.

What officer? a parish officer?—One of the parish officers.

Can you state to us whether that bill was about the Spa-fields meeting?—I cannot say what it was about; it was taken down.

Was that bill put up by the same persons who treated the men?—It was.

Mr. Justice Abbott.—How long was it before it was taken down?—It was taken down that day, or the next morning; I cannot say which it was.

Isaac Bentley sworn.—Examined by
Mr. Gurney.

What are you?—A Smith.

In the month of November last where was your workshop?—No. 26, Hart-street, Covent-garden.

What part of the house did you work in?—The cellar, the kitchen.

That lies underground?—Yes.

Do you know a man of the name of Castle?
—Yes, I do.

Did he make any application to you respecting the making of any thing in iron?—Yes, he did.

What sort of things?—I did not know him before that.

But you knew him then?—He came and wanted to make a pattern.

How, for him to make a pattern, where?—At my place.

At your forge?—Yes.

What answer did you make to that application?—I made it myself; but I did not finish it.

What became of it then?—He took and filed it up himself.

Did he take it from you, or leave it with you?—He took it away; I never saw it any more.

How soon did you see him again?—I cannot exactly tell, it might be an hour.

What more did he say to you?—He told me to get on with them then.

How many?—About fifty, I think; but I cannot exactly tell.

Did he say what they were wanted for?—He told me they were to put upon a fence.

A fence for what?—A fence for a rabbit-warren, or a park, or something of that sort.

How many did you make for him in fact?—Two hundred and fifty.

Did he give you the first order for the whole, or how?—Before I had made the fifty he told me to get on with more; indeed before I had made any he told me to get on with more.

Did he give you any money in advance?—Yes, he did.

How much?—Ten shillings.

By what time in November were they made?—Against the 9th.

Against lord mayor's day?—Yes.

Who came for them on lord mayor's day?—Castle and another man.

What had they to put them in?—Two nail-bags.

Did they both go to your cellar?—They both came.

Did you deliver them to them?—They put them into the bags, and took them away; I stood by.

Before they took them away were you paid for them?—Oh, yes.

At what house did you receive your money?—At Mr. Winkfield's.

Where is that?—The corner of Leg-alley, in Long-acre.

Did you give a bill and receipt?—I gave no receipt, nor yet a bill; I gave a bill what they came to, but they paid me for them, and never required any receipt; I do not know whether they had the bill or not.

But you made a bill out of what they came to?—I did.

Were they both together when you received the money at Winkfield's?—Yes.

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Then, after you had received your money, did you go together to your cellar?—Yes.

Did you hear the name of the other person mentioned?—No, nothing but Sir.

Look at these [showing some pike-heads to the witness], were those like the pike-heads you made?—Yes, those are the same.

You know your own work?—Yes, I do.

Those are the same?—Yes.

The remainder are underneath you in a box, you may look at them.

Mr. Justice Bayley.—That is the bag Vickery produced.

Mr. Gurney.—Yes, it is, my lord. Those are all the same; are they?—Yes, they are; I have seen them before.

Isaac Bentley cross-examined by Mr. Wetherrell.

I think you say they did not require a receipt of you?—No, they did not.

What was the money they paid you?—Whether under or over five pounds I cannot say, but they did not require a receipt.

Lord Ellenborough.—There was some paper taken away, I think you say?

Mr. Wetherrell.—I understood you to say you believe they did not take a bill?—I cannot say as to that.

You are certain you did not give a receipt?—Yes.

These are common spikes?—I call them spikes.

Did you ever manufacture a thing called a pike?—I cannot say that I have.

Have you seen such pikes as are put on the top of a spear by soldiers?—I never made any of them.

These are for a fence; one end to be stuck in, and the other to stand out?—Yes.

Castle ordered them?—Yes, he did.

When he ordered the first parcel, was he alone?—No, John Harrison was with him.

Did Castle tell you what they were for?—He told me they were for a rabbit warren, or a fence, or something of that sort.

I understood you to say, that Castle filed one himself?—Yes.

You made a pattern one yourself, and then he made some alterations?—He filed it up, and made it sharp at the point.

He came after the first pattern spike was made, and ordered fifty; did he?—About fifty; fifty were ordered.

Then he came a second time, and ordered you to make two hundred and fifty?—From that to five hundred; from that as many as I could get made.

In point of fact two hundred and fifty were the whole of what you got made?—That was all.

Those never had been filed up?—They had not.

The one Castle filed up was made sharper than those?—Quite sharp.

Were the square angles filed off?—No, only made with a sharper point.

Was tho one he filed up materially sharper than those ?—A great deal sharper.

He did that in yourshop ?—He did.

Did he apply to you afterwards to file those two hundred and fifty in the same manner as those he took away ?—No, he did not.

Is Mr. Castle much of a workman, that he came to understand this ?—I do not know ; he seemed to handle the file very well ; I never saw him handle a hammer, therefore I cannot say.

Where did Castle introduce himself to you ?—I never saw the man in my life before. I never knew the man till he came to the shop.

Isaac Bentley re-examined by *Mr. Gurney*.

Did you know Harrison before ?—Yes.

If those lying before you were filed up, they might be made as sharp as the pattern one which you made, and he filed ?—They could be made as sharp.

Mr. Justice Abbott.—Had you ever before this time made any thing as sharp as those for fences ?—Never.

Mr. Wetherell.—Will your lordship ask him whether he had ever made any thing of this kind for fences before ?

Mr. Justice Abbott.—Had you ever made any thing of this kind for fences before ?—I never had ; I never had an order for such before.

William Winkfield sworn.—Examined by *Mr. Gurney*.

Do you keep a public-house at the corner of Leg-alley, Long-acre ?—Yes.

Do you know that man who stands near you ? [*Bentley*.]—Yes.

Do you remember seeing him in company with two other persons at your house last November ?—Yes, the beginning of November.

Was Castle one of those two ?—I cannot say.

But there were two other persons ?—There were two men ; one a shortish gentleman, and the other tall.

Did they drink together at your house ?—Yes, they had a pint of porter.

You took the reckoning, and gave them the change upon it ?—Yes ; I changed Bentley a pound note.

Thomas Cox sworn.—Examined by *Mr. Gurney*.

In whose employment were you in November ?—Messrs. Parkes and company, in Broad-street, Bloomsbury.

Are they ironmongers ?—Yes, they are.

Do you remember, one morning in November, any person coming and inquiring for nail-bags ?—Yes, one person came.

How many nail-bags did he ask for ?—Two.

Did you sell him two ?—Yes, I did.

Was it an old or a young man ?—I did not take notice of him.

Tall or short ?—About five feet nine or ten inches.

As much as that, do you think ?—Yes.

Are old nail-bags commonly inquired after ?

—Yes, always ; we sell them to any person.

And you sold two to this person ?—Yes ; I sent them out of the warehouse into the shop ; and he paid for them, and took them away.

Thomas Cox cross-examined by *Mr. Sergeant Copley*.

You deal commonly in these articles ?—Yes, we do.

And you sold them in the usual way ?—Yes.

Lord Ellenborough.—I think we may as well pause here.

COURT OF KING'S-BENCH,

Friday, 13th June, 1817.

[James Watson was set to the bar, and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.]

Mr. William Tull sworn.—Examined by *Mr. Attorney General*.

Have you any office in the Tower ?—Yes.

What office have you there ?—I am Principal Clerk of the Works in the Ordnance department.

How long have you resided in the Tower ?—About twelve years.

Be so good as to look at that paper —[one of the papers found on the prisoner]—Do you know the Tower, and all the parts of it ?—Yes, I do.

What does that paper appear to you to be a plan of ?—It is a rough-hand sketch of some part of the internal part of the Tower ; it is not by any scale whatever.

Mr. William Tull cross-examined by *Mr. Wetherell*.

You are a very respectable officer under government ; do you happen to be any thing of an antiquary ?—No, I am not.

Do you mean to say, that any person might not make such a sketch as that, without any difficulty ?—There is not a great deal of difficulty in this.

Did you ever see a map of the interior and exterior of the Tower, which you may buy for a shilling ?—Not to my knowledge.

Did you ever see the plan published by the Antiquarian Society ?—I have a regular plan ; who it is by, I do not know.

You never saw the plan published by the Antiquarian Society ?—No.

Have you any curiosity to see such a thing ?—I have a plan myself.

You do not know there is a print, framed upon a scale, shewing the interior and exterior, with its bastions and walls, and the ordnance department, and every part, which may be bought at a shilling, at any print-shop in

London?—I never saw it; I have one in my pocket.

Be so good as to let me see it.

[The witness produced it.]

This is a drawing of the Tower?—Yes.

Cast your eye over this eighteen-penny sketch of the Tower [handing a plan to the witness.]

Mr. Justice Abbott.—What is the object of your examination.

Mr. Wetherell.—This plan is produced to show, I presume, that some interior inspection of the Tower had taken place: I mean to show that a military plan upon a correct scale is purchasable at any shop in London.

Lord Ellenborough.—It might be attended with public mischief to examine an officer of the Tower as to the accuracy of such a plan.

Mr. Wetherell.—If the Tower of London be accessible, it was the duty of government not to permit that plan to be engraved.

Lord Ellenborough.—The counsel for the Crown infer, from the plan which they have put in, that the persons in whose custody it was found were contemplating the interior of the Tower, with the view of obtaining access to it. Nothing further is meant.

Mr. Justice Bayley.—You may prove that engravings of the Tower may be purchased, but you cannot ask whether they are accurate.

Mr. Wetherell.—No considerations would induce me to press the subject when I find that to be your lordship's opinion.

Mr. Attorney General.—I called this witness to prove that drawing was a plan of the Tower.

Mr. Wetherell.—Let me see it. [It was handed to Mr. Wetherell.]

Mr. William Thompson sworn.—Examined by Mr. Topping.

Where do you live?—At 101, Fetter-lane.

Do you live near Greystoke-place?—The corner of it.

Do you know No. 9?—Yes.

Are you the ground landlord of that house?—My father is.

You know the house, No. 9?—Very well.

What does it consist of?—Two rooms on a floor.

A front room and a back room?—Yes.

Have the back rooms any windows in them?—Yes, but it is a borrowed light.

Have they any windows externally?—No.

How are the back rooms lighted?—From a sky-light on the landing-place.

Mr. Justice Abbott.—Is that the case with all of them, or with the upper one only?

Mr. Topping.—The back rooms, I take for granted, open upon the staircase?—No, into the front room.

And they are lighted by a light from the top?—Yes.

Your father you say is the ground landlord?—Yes.

Mr. Wood owns the house under your father, then?—Yes.

Do you remember the house being to be let?—Yes.

Was there a reference to you, as the person who was to let it for your father?—No, we only held the key.

Do you know Mr. Watson the elder?—No, I cannot say I do. Do you see him here?—I cannot say I know Mr. Watson.

Was any application made to you, in the month of September, for the taking of that house?—There were a great many applications for it.

In the month of September?—I cannot exactly say in what month.

However, you do not know the prisoner Watson?—No.

Mary Kinsley sworn.—Examined by Mr. Gurney.

In the month of November last, did you live at No. 1, Dean-street, Fetter-lane?—I did.

Did Mr. Watson take any lodging at your house?—He did.

Mr. Watson the elder?—Mr. Watson the elder.

This gentleman [Watson]?—Yes.

How long before the second Spa-fields meeting was it that he took that lodging?—He took it on the Wednesday before the first meeting.

How long was he there?—He was there from Wednesday afternoon till Monday night.

Then he was there but five days?—I did not see him after Monday night.

Was that Monday night, the Monday night of the Spa-fields meeting?

Mr. Justice Abbott.—He came on the Wednesday, did he?—Yes.

Mr. Gurney.—Was it the day of the riots he left?—The day of the riots.

I mean the riots when Mr. Platt was shot?—Yes.

It was the Wednesday before that day that he came?—Yes, it was.

Did he take a lodging for himself only, or for himself and any other person?—For himself and his son.

What was the lodging which he took?—A parlour.

Any other room?—No.

Was there a bed in that parlour?—There was.

Then it was parlour and sleeping-room both?—It was.

Did they both sleep there from the Wednesday till the Monday?—For aught as I know, the bed was to be made every day.

At what period of the day was the bed usually made?—Generally towards the evening.

Were there one key or two keys to the parlour door?—Two keys.

Had they both or one of them?—They had both keys.

Was your street-door kept locked, or upon the latch?—Upon the latch.

Then could they get in and out as they pleased, without interfering with you, or calling you?—They could.

On the Sunday, the day before Mr. Watson went away, were there any persons there to dinner?—There were several in the room; I did not see them sit down to dinner.

Were there several in the room at the time or after the time you had carried in dinner?—Yes, there were several in the room at the time I took in dinner.

Had you seen any of the persons who were there at that time in the course of the week?—I think I had.

Had you seen them there?—Yes, in the parlour.

Do you know Mr. Hooper?—I think I do.

Look at that gentleman next the warder, in the second row, and see whether he is the person you mean?—I really could not swear.

What do you believe?—I believe there was somebody, something like his face.

Do you mean on that day; the Sunday at dinner?—Yes.

And in the course of the week preceding?—Yes.

Do you remember seeing Mr. Preston there?—Yes.

Did you see Mr. Thistlewood there, or do you remember him?—I do.

I mean that gentleman now standing up?—He is altered in his dress: I think he is the same gentleman.

How was he dressed when you used to see him there?—In light grey pantaloons, and a dark blue or a dark green coat; I really cannot recollect which.

And a white handkerchief, or a coloured silk handkerchief?—A white handkerchief.

I mean by handkerchief, neckcloth?—Yes.

As you say the two Watsons had been there from the Wednesday till that Sunday, the day when these persons came; did you see what was upon the table when they were together?—I did not notice particularly.

Did you see any pens and ink and paper?—I have seen pens and ink and paper lie on the table; I did not take any notice.

Did they go in and out much or little?—Being away from that part of the house, they might go in and out often, and I not see them.

On the Monday morning, did the two Mr. Watsons go out?—I did not see them go out.

Did you find they were gone out?—Yes, I found the windows were closed.

How early in the morning did you find they were gone out?—I think as early as nine o'clock.

And the windows you say were closed?—Yes.

At what time did either of them return;

about what time?—I had not seen any of them all day till night, about candle-light.

Which came then?—The elder Watson.

What did he say to you, when he came?—He asked, if we had seen his son.

Had you seen his son?—No.

You told him so, then?—Yes.

What else did he ask you for?—He said he had got the key of the parlour, his son had, and he could not get in.

Did he say one key, or more than one?—He said the keys, I think; and my husband gave Mr. Watson another key.

And that admitted him?—I fancy so; I did not see Mr. Watson after that.

Did you ever see Mr. Watson after that evening?—Never; not till this present time.

Did he tell you, when you let him in at that time, of any intention he had of leaving your lodging that night?—He said nothing at all about that.

Were the things which were left in that room fetched away shortly afterwards by any person?—There were some great coats in the room that night, and the next day I did not see them.

Whatever things were left there after that, who fetched them away?—I did not see any body take them away.

Were there any things left in the room besides the great coats?—A small dressing-case and an inkstand.

Some little things?—Yes.

By whom afterwards were they fetched away?—They were kept in our possession, and afterwards a young woman was going into the room; she was opening the door with a key, and my husband took the key from her.

Did Preston come there afterwards?—The young woman went and brought her father.

She came on the Tuesday, your husband took the key from her, and she went and fetched her father?—Yes.

Was that one of the keys which you had given the Mr. Watsons?—Yes, I fancy it was; we did not take any particular notice of it.

Did you find it open the door?—Yes.

Did you ever see young Mr. Watson after that day, the Monday of the riots?—Never.

Mr. Justice Abbott.—Then you had three keys that would open this parlour-door?—Yes.

So that you could get in at any time, while they were out?—I never went in to make the bed with my key, but on that Monday night.

While they were out you did not go into the room?—On the Monday I did.

But not before?—No.

You never went in, in their absence, with your key?—No; I went in afterwards with the key; on the Monday evening they had been away all day.

They did not come home till candle-light, and you went in before they came home:—I did.

*John Gilling sworn.—Examined by
Mr. Richardson.*

What regiment do you belong to?—The third foot guards.

Were you quartered for some time at a house in New Norfolk-street, called the city of Norwich Arms?—Yes.

Near Park-lane, is it not?—Yes.

Did you become acquainted there with Castle?—Yes.

Did he at any time, or not, treat you or your companions with beer?—Yes.

Who do you mean by your companions?—There were four young men who lodged in the house with me, servants out of place.

How often was that done?—I believe he was there three times, as far as I can recollect.

Did he treat you and others each of those times?—He treated me every time I was there, when I was off duty. I cannot say exactly to treating the others.

Was any person with him at any of those times?—Once a gentleman was with him.

How was that gentleman dressed?—He had got a great coat on, he was dressed very genteelly; I did not pay particular attention to his dress.

What sort of a great coat?—I recollect one of the servants saying, it was a French great coat; afterwards I did not take particular notice.

Was he a tall man, or a short man?—I did not take particular notice of that.

Was Castle there at that time?—Yes.

What was the conversation about?—I do not recollect how it began.

Do you remember any thing being said?—Castle told me that the gentleman had been a lieutenant.

Mr. Justice Bayley.—That was in the gentleman's presence was it?—Yes; I do not know that the gentleman heard him.

Mr. Richardson.—Was it spoken loud enough for him to hear it or not?—I believe it was.

Was he in the same room near to you at the time?—Yes.

In company together?—Yes, we were in company together.

What else?—He told me that he had lately come from France; I had lately come from France myself.

Did the gentleman say he had lately come from France?—Yes.

Did the gentleman make any observation to you with respect to your situation in the army?—Yes, he was talking about Paris and different parts of France that he had been in.

Did he make any observation upon your dress or your situation?—I do not know how the conversation began. I was just reduced from being serjeant; I had got a serjeant's jacket on, and the lace was off it; I had had it turned by a tailor; and the conversation turned upon how I came to be reduced; I said how I came to be reduced.

Tell us the conversation?—To the best of my recollection, he said it was a pity they should reduce men for such trifles; something to that effect. I do not recollect the whole of the conversation.

Did he make any observation about France?—He was talking about the French army, and that.

What did he say about that?—We were talking a great deal about it? I was talking about it as much as he was.

What did he say about the French army?—He said promotion went on faster in the French army than in the British, or it went on faster in the French army.

Was that said in the same conversation, in which he asked you, why you had been reduced from being a serjeant?—It was in the same evening.

How long were you in company with them?—I dare say I might be an hour.

Did either of them pay for your beer that evening?—Yes, I drank with them.

Did you go away with them, or not?—I did not go out of the door with them, but when I went out of the door, they were coming down round the corner, and I walked down the street with them.

Was any thing more said to you, or not?—I do not recollect the whole of the conversation in the house.

But in the street, or anywhere?—Oh, yes; I went down across the square towards Bond-street, and there was a good deal of chat going on down the street; the gentleman said very little to me; Castle was talking to me.

Was any thing said about a letter?—Yes; Castle wanted to know where I should be the next day.

Mr. Wetherell.—Was this in the hearing of the other gentleman?—Yes; we were all three together.

Mr. Richardson.—He wished to know where you would be the following day?—Yes; he said he would come and give me something to drink, and I told him I thought I should be on the king's guard.

Lord Ellenborough.—We must know what that day is.

Mr. Richardson.—Do you remember what day this was?—No.

How long was it before the riots?—A very little time before the riots; because I recollect Castle was talking about the Spa-fields meeting, in the house to the young men and me that were drinking with him.

Was he talking about a Spa-fields meeting that was to be, or that had been?—It was one that was to be.

From that circumstance, do you remember whether it was or was not a short time before the Spa-fields meeting?—A short time before.

You said you thought you would be the next day on the king's guard?—Yes; or else he said he would come and give me something

to drink; when we got down by Bond-street, I think it was Berkeley-street we were in, I told them, if either of the gentlemen would give me his address, if I was not on the king's guard I would send them word where I was.

Did they give you either of them his address?—No, they spoke together.

Did they speak together in such a way that you could hear what they said?—No, they rather went on one side.

Then what did they tell you?—They told me they would come to the king's guard, and if he could not find me there, he would inquire and find me out.

Which of them was it said that?—It was Castle.

John Gilling cross-examined by *Mr. Wetherell*.

Is that one of the Waterloo medals you have at your breast there?—Yes.

You were in the battle of Waterloo?—Yes.

Were you at that time a serjeant?—Yes.

I believe since that time, for reasons which I do not here inquire about, you were degraded from the rank of serjeant to that of a common soldier?—I was not degraded; I resigned my situation.

You afterwards became a private soldier?—Yes.

When this conversation took place between you and Castle, it was at the Norfolk Arms public-house?—The city of Norwich.

What distance is that from the guard-room or the barracks?—Our battalion lay at Knightsbridge barracks.

How far is this place from the Knightsbridge barracks?—Half a mile.

Had you your regimentals on when you had this conversation?—No.

Is it not common for soldiers to go to public-houses in the evening, without their regimentals?—Yes.

Are there not many soldiers, who when off guard work, and wear the clothes of labourers?—Yes; in the evening we are not allowed to go out in our full uniform.

Is it a regimental order that soldiers shall not go out in the evening in their full uniform?—It has been at different times; but the orders vary.

Then if soldiers go to public-houses in the evening, the order is, that they shall not go in their uniform?

Mr. Justice Abbott.—Not in their full uniform.

Mr. Wetherell.—Had you any part of your uniform as a soldier on?—I had my grey pantaloons; my full uniform is white breeches and black gaiters, I had not them on.

What coat had you?—A scarlet jacket. Is it not common for them to dress themselves like common individuals?—They may do it if they please.

At the Norfolk Arms, did Castle begin the conversation with you, or did you begin it with him?—He began it with me.

You say, that at this last time a gentleman came with him; had you known Castle before this gentleman came with him?—Yes; I had been, I think, twice in his company.

Having been twice in his company, you had, I presume, on those occasions conversation with him?—He used to give me drink.

You had been twice in Castle's company before you ever saw the other gentleman who has been alluded to?—Yes, Castle made me believe he knew my father, and brother and sister; that he was a townsman of mine.

What town did he say he came from?—A town down in Yorkshire.

What town is that?—Knaresborough.

What did he say about your family?—He asked me to drink, and there were some young men sitting with me, and I drank with him; it is not common for soldiers to refuse any thing. We got into conversation together, and he asked my name; and he said he knew my father, and my brother and sister, and all my family very well.

Was this the first time you saw him?—The first time that I saw him, to my knowledge.

Let us hear what Castle said to you the first time that you met him, when this gentleman was not there?—I do not know. There was a good deal of chat going on amongst me and the young men.

What sort of subject did *Mr. Castle* go upon, when he was alone with you the first time, and the other young men?—I do not recollect; my attention was paid more to the balls than his conversation; we were playing at balls.

You saw him a second time alone?—Yes.

When you met him the third time, did he begin the conversation with you, or you with him?—I do not know; he came into the house, and we got into conversation; I cannot recollect; I never expected any thing of this kind would be brought forward.

Did Castle know that you had become a common soldier from being a serjeant, or did you tell him that?—He knew when I told him; he did not know before.

Did you tell him this when this gentleman was present, or at any former time?—I told him it before.

When this other gentleman was present, there was a conversation about promotion in the French army?—I do not know that it was particularly about that, but it happened to be spoken of.

Who was it made the observation, that it was a pity to degrade for a trifle?—The gentleman.

Then the subject of conversation was your having become a common soldier from being a serjeant?—Yes, that began it; and then it began about France, about Paris.

Then you walked down the street, did you; and you saw nothing of these persons again after that?—I never saw the gentleman after. When I came off guard a day or two afterwards, my landlord told me—

You never saw the gentleman after?—No. Did you see Castle after?—I forget whether I saw him after or not; I think I did see him once after.

When was that?—He came down to the theatre when I was on duty; he inquired what duty I was on, and came down to me there. I forget whether that was after or before.

John Gilling re-examined by *Mr. Richardson*.

At this conversation when the gentleman was present, though you had not full regimentals, you had enough to show you were a soldier?—Yes, I had a red uniform jacket, with gilt buttons and a thistle on it, as these have.

Why was it you told him you had been degraded?—Castle brought forward the subject, and then I told him.

What was it about; was it about a woman?—Yes.

James Brown sworn.—Examined by *Mr. Shepherd*.

You are a soldier in the Coldstream regiment?—I am.

About the time of the riots in the Minories, were you stationed in the Tower?—I was not.

Do you know the Stone Kitchen public house, in the Tower?—Yes.

A short time before the riots in the Minories, were you in that public house?—I was.

Do you know the person of Hooper?—I will not swear to him; I have not personal knowledge enough of him.

Do you think you ever saw him before?—Yes, I had seen him before.

Lord Ellenborough.—The Stone Kitchen is the name of the public-house?

Mr. Shepherd.—Yes, my lord. Two or three days before the riots in the Minories, do you remember seeing him?—I cannot swear I saw him there two or three days before; I have seen him once since he has been confined.

Did you see any body like him?—Yes, from three to five days before.

Was he in the room when you went in?—I went to the bar to call for a glass of spirits, and a man came down stairs, and asked me if I would go up and take something to drink; I told him I did not want any thing, but I went up stairs.

Did you stay there any time?—Ten minutes or a quarter of an hour, but that was the outside.

Did that man show you any thing?—I saw a man with a bunch of ribbons.

Where did he take the ribbons from?—From out of his hat, to the best of my knowledge.

What part of his hat?—From the crown of it, inside the hat; I did not see any ribbons stick to the hat outside.

The ribbons he showed you, he took from the inside of the crown of his hat?—Yes.

What sort of ribbons were they?—I cannot speak to the colours of them; they were dark colours.

What did he say to you when he showed them to you?—I did not hear any particular observations made upon the colours of the ribbons.

Did he ask you any question, whether you had seen them?—Yes, he asked us, "Have you ever seen such a thing as that before," or words to that effect.

There were other soldiers in the room?—Yes.

And he asked, generally, if the soldiers had seen any such thing before?—Yes, he asked, generally, if they had seen any such thing before; I did not consider the conversation addressed particularly to me.

Was it, generally, to the soldiers in the room?—Generally.

What else did he say?—He asked us, should not us like to have a big loaf; and said, there were very few soldiers but what felt the distress of the times as well as others.

What else did he say, as near as you can recollect?

Mr. Justice Bayley.—Did he say any thing more?—Yes, there was more said than that; that times would never be no better till there was a fresh set altogether, or a new set altogether.

Mr. Shepherd.—Did he say any thing else?—I do not recollect any thing particular.

Do you recollect any thing, never mind whether particular or not?—No, I do not recollect any thing more.

There were several soldiers in the room?—Yes.

Was there any body else besides soldiers, and the man you think was like Hooper?—I did not take any notice that there were.

Were you in regimentals this night?—I was.

Had you ever seen that man before, at a time when you were not in regimentals?—I cannot swear I had.

But a man like him?—I do not know whether I had or not; I had seen a man there before, but I never used to stop in the house any time; I had leave from my commanding officer to sleep out of the Tower, and come up once or twice a week.

Do you think, at any of those times, you had seen this man before?—No, because my stop was very short.

Who paid for the beer you had?—I do not know, I did not see any money pass.

Did you pay any thing?—I paid for a glass of spirits at the bar, but I did not pay for any beer.

Did you drink any beer?—I did.

James Brown cross-examined by *Mr. Sergeant Copley*.

How many persons might there be there altogether?—I cannot say to numbers.

Might there be a dozen?—I cannot say.

How long did the conversation last altogether?—I was not in the place more than from ten minutes to a quarter of an hour.

During that time there was a deal of general conversation?—There might be; I did not pay particular attention to it.

Do you recollect whether this was a wet or a dry day?—I think it was a wet evening; to the best of my recollection, it was a wet evening, but I cannot say upon oath.

You do not take upon yourself to say this was Hooper?—I cannot swear that it was.

But whoever the man was, he took those glibbons as you describe, out of the crown of his hat?—He did; I saw the man take ribbons out of the crown of his hat.

And this was in the evening.—Yes.

You did not attend to all the conversation that was going on?—I did not attend to it particularly.

But there was a good deal of mixed and general conversation?—Yes, one talking among another.

And here and there you caught up an expression?—Yes, I did.

Was this public in the room generally?—Yes.

No whispering in any corner?—I heard no whispering to the best of my recollection.

Was any thing said about the Spa-fields meeting at this time?—I do not recollect any thing of the Spa-fields meeting being mentioned at all.

A Jurymen.—Did you know Castle?—I did not; I never saw the prisoner to the best of my knowledge, but once.

I mean Castle the witness, who has been here?—No, I did not.

William Harris sworn.—Examined by Mr. Attorney General.

Are you a soldier in the Coldstream regiment of guards?—Yes.

Were you in the Tower in the month of November?—Yes.

Do you remember the day when the riots took place in the Minories?—Yes.

Do you recollect at any time before that, being at the Stone Kitchen public-house in the Tower?—Yes.

Do you remember how many days before that?—No, I cannot.

About how long?—It might be a week, or not so much.

Do you recollect two persons coming in there, and calling for any beer?—Yes.

Do you know either of them?—Yes, I think I should.

What was the name of either of them?—That I do not know.

Should you know them if you saw them? Look in the second row, and see if you see them?—That is the gentleman there [Hooper.]

When that person came in, did he call for any thing?—Yes, he called for a pint of ale.

Did he talk to any body?—Yes, he began to talk to the soldiers.

Whom did he talk to?—I cannot say who it was; there were different soldiers in the room at the time.

Were there any soldiers there besides yourself?—Yes, there might be a dozen; I cannot say to a soldier or two.

Was any more beer called for?—Yes.

By whom?—By this gentleman.

How much more?—Half a gallon.

Who partook of that beer?—The soldiers and the gentleman; he drank to the soldiers.

Do you remember any paper being produced?—There were some papers dropped by the side of the table at which I stood.

Who dropped them?—There were two gentlemen together; I cannot say which of them dropped them.

When you say two gentlemen together, do you mean that that person [Hooper] was one of the two gentlemen?—Yes.

Was any thing said when they dropped those papers by the table?—He said we were to hand those about to our comrades, after they were gone.

Did you say any thing?—No.

Can you read?—No.

Do you remember whether any thing was said about that?—No, not no more than that.

Nothing about your not reading?—No.

Was any thing said about what the bills were about?—No.

Did you hear those persons say any thing to you and the soldiers?—Yes; they asked us whether we should like a big loaf; and some of the soldiers said, yes, they should like to have them as big as they could get them.

A Jurymen.—Do you recollect who said that?—No.

Did that man, Hooper, say it?—I do not know which of them.

Mr. Attorney General.—Were they both together, when it was said?—Yes.

Tell us what else was said by either of them when both were there?—Then they asked us, what we should do if the mob were to come into the Tower; and then the soldiers made answer and said, "we should do our duty."

Tell us any thing else that you recollect?—They asked us, whether we should like to get out of our regiment; and some of the soldiers answered, "then we should starve to death."

What was said about that?—Then they made answer and said, "Oh, no, no, you would not." That was all I heard pass while I was in the room.

Who went away first? Did you go out of the room first?—Two soldiers and me went out first, and those gentlemen and two soldiers went afterwards, and brought up another gallon of beer.

Did you hear any more beer ordered?—No, not while I was in the room.

Then you went away?—Yes.

Whilst the gentlemen were there, did you hear either of the papers read?—No.

William Harris cross-examined by

Mr. Sergeant Copley.

You said you would do your duty if the mob came?—Yes.

And you would do your duty well, I dare say?—Yes.

You are not afraid of a mob at the Tower?—No.

How long did the conversation last?—Not more than a quarter of an hour.

How many were there present?—I cannot say to a soldier or two.

Who is the landlord of that place?—Mr. Robson.

Was this all the conversation that you recollect?—Yes.

I suppose you would have done your duty, if you had thought any thing had been wrong?

—Yes; but I never heard any thing wrong pass.

Either then or at any other time?—No.

It made no impression on you?—No, because there are many gentlemen will give a soldier a pot of beer.

If you thought there was any thing wrong you would have seized him?—We should have told our commanding officer of it.

You did not tell him of it?—No; I went out and told my company of it, but they took no notice of it.

And you did not hear any thing which made an impression on you as being amiss?—Not a bit.

And there was a good deal of conversation?—For a quarter of an hour; the gentleman went away before me.

What those papers were you do not know?—No.

Which was the greatest talker of the two?—There was not much difference between the two.

Do you know who the other man was?—I should know him if I was to see him.

You have not seen him then?—No.

Mr. Justice Bayley.—Sometimes one spoke and sometimes the other?—Yes.

Did each of them speak sufficiently loud to be heard by the other?—Yes.

Could they have failed one hearing what the other said?—No.

Lord Ellenborough.—You said it made no impression upon you?—Not a bit.

But you thought it worth while to mention it to your company?—I told the company we had some beer given us in the Stone Kitchen by two gentlemen.

Did you tell the company what had been said?—I did not, because I did not think it proper; I did not think there was any harm in it.

Mr. Justice Abbott.—Harm in what?—Not in what these gentlemen said in the public-house.

Charles Nailor sworn.—Examined by Mr. Solicitor General.

In the month of November last were you a soldier in the Coldstream-guards?—Yes.

Were you at that time on duty in the

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Tower?—We were all kept in the Tower in case any thing should happen.

You were in the Tower?—Yes.

Shortly before the riots?—Yes.

Do you recollect being at a public-house called the Golden Chain, in the Tower?—Yes.

Shortly before these riots in the Minorities?—Yes.

Lord Ellenborough.—Can you state how many days before?—No, I cannot.

Mr. Solicitor General.—About how many?—I never gave it any consideration, what day in the week it was, nor any thing.

How many days was it before?—It could not be many days before; but I cannot say exactly.

Did you see any persons there who treated the soldiers with beer?—I saw two gentlemen come in there when I went in to get a pint of beer, and they called for a pot of porter.

Do you know either of these persons? [the prisoners].—Yes.

Which?—That is the man [Hooper.]

Did he or the other person ask you to drink?—They called for a pot of porter, and asked me if I would accept of it.

Did you drink with them?—I drank it; they did not drink any themselves.

Did they, either of them, give you any bills?

—They rolled up some hand-bills, and put them into my hand, slyly, and told me to look at them after they were gone.

Do you recollect which of them it was who put those bills into your hand?—I believe it was the tallest; he was a tall man.

Did he or the other say any thing to you, when they gave you the bills?—They told me to look at the bills when they were gone, that if we would be ruled by them they would make us gentlemen in a very short time.

Did any thing more pass?—Nothing more passed; I gave my comrades the bills as I could not read myself.

Did you give either of the bills to a man of the name of Buchanan?—Yes.

Did you hear them read to you afterwards?—I did not take much notice; Buchanan read them in the mess kitchen.

Mr. Justice Bayley.—Did you hear him?—Yes, I heard him read them.

Mr. Justice Bayley.—You will call Buchanan?

Mr. Solicitor General.—Yes, my lord. He read them in the mess kitchen?—Yes.

To whom did he read them?—To other soldiers that were in the mess kitchen.

Charles Nailor cross-examined by Mr. Sergeant Copley.

It was the taller man who put this bill into your hand?—Yes.

You did not attend to the bill that was read?—No, I did not attend to it.

The bill was read?—Yes.

Did you pay any attention to it?—No.

It made very little impression upon you then?—No.

You took no notice of it?—No; I was more attentive to my duty than to that.

How many persons might there be in the public-house?—Five or six.

Are these public-houses open to any body who goes into the Tower?—Yes; but they must give an account of themselves, where they were going to. They must be going to see some friend before they can get in.

There is often a mixt company of soldiers and people drinking there?—Yes, but they must give an account of themselves before they can get in.

Mr. Justice *Abbott*.—The mess kitchen is in the Tower, and they cannot get in without giving an account of themselves.

Mr. Sergeant *Copley*.—They are stopped at the Tower-gate?—They should be, if the sentries do their duty.

It is not an uncommon thing for a man to come and treat the soldiers?—No; but it is uncommon to see them at such times as that.

It is not uncommon for a person, when the soldiers come into the room, to ask them to drink?—Sometimes they do.

Soldiers are not flush of money, you know?—No, they certainly are not flush of money.

A *Jurymen*.—Did you ever see the tall man before that time?—No, I never saw either of them before.

Mr. Sergeant *Copley*.—Was it the tall man that made the observation, you would all be made gentlemen?—I cannot say.

Did they speak loud enough to be heard by all present?—No.

Was it particularly addressed to you?—Yes.

Was it a whisper, or loud enough to be heard?—It was not loud enough to be heard all over the house.

Was it loud enough to be heard over the box?—There was nobody in the next box.

It was addressed to you at the time the bills were put into your hands?—Yes.

Was it the prisoner here, or the tall man?—It was the tall man gave me the bills.

And the tall man said that to you, as well as gave you the bills?—Yes.

Mr. Justice *Abbott*.—Did the tall man say it loud enough for his companion to hear him?—Yes, because they were both sitting together.

But there were other persons in the room who did not hear it?—Yes.

It was said loud enough to be heard by his companion who was sitting by him, but not loud enough to be heard by other persons who were in the room?—Yes.

George Buchanan sworn.—Examined by
Mr. *Solicitor General*.

I believe you are a soldier in the Coldstream Guards?—Yes.

Were you at the Tower, on duty, in November last?—Yes.

Do you remember Nailor bringing you any printed bill?—Yes, he did.

Did he desire you to read it?—Yes.

Where were you at the mess room?—At the mess kitchen.

You read it aloud, did you?—Yes.

Can you recollect what the contents were?—I can recollect part of it.

Were there many soldiers there when you read it?—There were the amount of a dozen, or from that to fourteen.

Be good enough to state, to the best of your recollection, what you read to them?—It mentioned that there were so many millions in a starving condition in the country; and likewise it mentioned, that they were in the same state in Ireland, and that their brothers in Ireland were in readiness to rise.

Was there any thing about a meeting, do you recollect?—I do not recollect any thing about a meeting.

Lord *Ellenborough*.—You do not recollect the particulars?—Nought but those things.

George Buchanan cross-examined by
Mr. Sergeant *Copley*.

Those things you do recollect?—Yes.

You read it?—Yes.

How many times?—Only once, and gave the paper back again.

You are certain what you have stated is correct?—Yes.

It mentioned that Ireland was in the same state, and that the people were ready to rise?—Their brothers in Ireland were ready to rise.

You are quite sure this was so?—Yes.

Are those all the words you remember?—I told you before, that it hoped they would be the same here.

You are quite sure you are correct as to that?—I think I am.

You read it loud to the people?—I do not know whether they could hear me; they were in the mess kitchen.

You read it?—Yes, the man asked me to read it, because he could not read it himself.

Lord *Ellenborough*.—What did you do with the paper?—I gave it back to Charles Nailor again.

Mr. *Solicitor General*.—[To Nailor.] Did you get back the bill again from Buchanan?—Yes, I had one of the bills back, and I tore it to light my pipe with.

James Chappell sworn.—Examined by
Mr. *Topping*.

Are you a publican?—Yes.

Where is your house?—In Long-acre.

Did you live there in the month of November last?—Yes.

Is your house frequented by the soldiers that are upon duty at the theatres?—Yes.

Do you remember any persons coming to your house in November last?—I do not know the day of the month.

Do you recollect whether it was about the time of the Spa-fields meeting?—It was about that time.

Was it between the first and the second?—I believe it was before the first, when the hand-bills were printed.

Was it before the first meeting or after the first meeting, do you think?—I cannot be certain which; it was the time when hand-bills were stuck about the street.

Do you recollect whether those hand-bills talked of a meeting at Spa-fields?—Yes, they mentioned something about it.

Do you recollect the time when the meeting was to be?—No, I took no heed of it.

Two persons came?—Yes.

Were there any soldiers in your house at the time?—Yes, several.

Do you know the persons who came, perhaps you do not?—No, I do not.

Two persons came in company together when there were several soldiers in your house drinking?—Yes.

Did they treat the soldiers with any beer?—Yes, two or three pots.

Mr. *Wetherell*.—I do not wish to object, but I think this is left much too vague.

Lord *Ellenborough*.—I do not know what question will follow. You never saw either of them before or after?—Yes, they came twice; on the following evening they came again, but I do not know whether they treated the soldiers that night or not.

Mr. *Topping*.—Do you know this person that sits in the first row [Watson]?—I do not think it was him or either of them.

Mr. *Wetherell*.—Then I submit this is not evidence.

Mr. *Topping*.—You are not enabled to say that, in your belief, they were any of these four persons?—No, I cannot swear to either of them.

Do you believe any of them to be the same persons?—No, I do not.

William Hillyer sworn.—Examined by

Mr. *Topping*.

Are you a publican?—Yes.

Where is your house?—The Tower Tap.

Where is that?—In St George's-fields; Tower-street, St. George's-fields.

Is there a gentleman of the name of Maudsley, who has a factory near you?—Yes.

Do the men who work at that factory come to your house?—Yes, three or four of them.

What kind of factory is that?—It is an iron factory.

Do they dine at your house?—They dine there most days.

What is the usual hour of dining?—At one o'clock they come in.

Do you know any of the persons sitting here; do you know Preston?—I know Preston.

Do you know a person of the name of Castle?—Yes, I do.

Do you remember Preston and Castle coming together to your house in November last?—I believe I do.

Can you tell me the time; you recollect perhaps the riots in the Minories?—It was previous to that.

How shortly previous to that?—It might be a few days.

Preston and Castle came together?—I believe they were both together.

Was there a third person in their company?—There were more men in company, but who they were I do not know; more of that party.

Preston and Castle you knew?—I had never seen Mr. Preston before that.

But you know him now to be the same person?—Yes.

Did they bring any printed bills along with them?—There were bills brought before that; not at that time; they were brought before, when I was out.

Some time before, some printed bills had been left at your house, but you do not know by whom.—I do not know by whom.

You do not recollect whether any printed bills were left that day?—I do not.

What time was it they came?—I believe it was about one; I am generally employed in getting dinner ready, and I could not pay much attention, neither did it concern me.

It was about one o'clock, you think, that Preston and Castle came?—Yes.

Do you remember their being about to go away?—Yes, I do.

Was any thing said to them by any body?—I do not recollect. There was once; but it was not at that time that I was at home.

I speak of when you were at home, and Preston and Castle were there. Do you remember their being about to go away, and somebody saying something to them?—No.

Do you remember whether any of these men of Maudsley's came in whilst Preston and Castle were there?—Yes, they did.

Did they drink together?—Yes.

Do you remember their going away?—Yes, I do.

How many went away together; Preston and Castle, and any body else?—They all went together that were in the party, four or five of them; I cannot say how many.

Leaving Maudsley's men in the house?—Yes.

Do you remember any thing that was said by Castle or Preston, or any of the party, to Maudsley's men as they were going away?—No, I do not; I do not recollect any conversation passing.

Was any thing said to Maudsley's men, by either Preston or Castle, when they were going out of the House?—I do not recollect any thing.

Was any thing said about the meeting?—"You will be there."

One of the party said, upon going away, to Maudsley's men, "You will be there?"—Yes.

What answer was given to that?—"They certainly should."

Did you afterwards see Castle at your house?—Yes.

Were any of Maudsley's men there at that time?—He always came at their dinner hour.

William Hillyer cross-examined by
Mr. *Wetherell*.

So Mr. Castle was always there when the men came to dine?—Nearly so.

You saw Mr. Castle's face pretty often, did not you?—Yes, I did.

At this last time, when the men were desired to attend the meeting, I understand you to say there were three of them?—I understood there were three.

William Hillyer re-examined by
Mr. *Tipping*.

Was Preston generally along with Castle, when he came?—I never saw him but once; he had been there as they told me.

But you do not know that of your own knowledge?—No.

Richard Statham sworn.—Examined
by Mr. *Gurney*.

Are you a soldier in the Coldstream guards?—Yes.

Last November and December were you stationed in the Tower?—Yes.

Do you remember the riots in the Minories on the day of the Spa-fields meeting?—Yes.

Shortly before that day, do you remember any persons coming into the Stone Kitchen at the Tower?—Yes.

How long before?—It might be about the middle of the week, or about the Thursday or Friday.

Have you since seen either of those persons again?—Yes, I saw one of them in the Tower.

How many were there that came?—There were two in company.

Will you look among these gentlemen here, and see if you see either of them again?—Yes, I think that gentleman was one [Hooper].

Was the person with him a tall man or a short man?—He was a taller one.

How many soldiers of you were in the Stone Kitchen, at the time they were there?—To say how many there were justly, I cannot.

Were there a few?—There might be ten, eleven, or twelve.

Was any beer given to you?—Yes, I myself had been at work for the landlord of the Stone Kitchen.

Was beer given to you by these two persons, or either of them?—To some of the soldiers.

Was it given by one of those two?—Yes.

What did they talk about?—I was not listening to their discourse.

Did you hear any of it?—Yes.

What did you hear?—The words I heard them make mention of was, one of them took hold of a pot of beer, and said "Success to a big loaf."

What more do you remember?—I remember that was the first pot they had.

How many pots of beer did they give?—To the best of my recollection, I think it was either six or seven pots.

Do you remember any thing of their conversation besides this big loaf?—No, I do not.

How long did they stay, as well as you remember?—I might be sitting on the table, I dare say, half an hour.

Do you remember their going away?—Yes.

Do you remember what they said?—One of them came up to me, and called me countryman; and I said "Countryman; what countryman are you?" he said he was a Yorkshireman.

Was that the person who is here, or the other?—It was the other.

He called you countryman?—Yes, he said he came from Sheffield in Yorkshire.

At going away, did either of them give you any thing?—He asked me to go down stairs to have a glass of any thing I chose at the bar.

As they were going away, did either of them say where they were going to?—Not at that present time when I went down stairs; they asked me to go down, and I went down, and asked them what they wanted, and they asked me if I would go and take a glass at the bar. I said I had no need of it; and they said they respected any person who came from the country.

Did either of them say where they were going to?—Yes. One of them paid for a glass of gin I had: he gave an eighteen-penny piece, and put the half-pence in his pocket, and afterwards he gave me a shilling: says I, what is this? says he, for half a gallon of beer; I ordered the landlord to take it up stairs, and he told me there was a penny out; I then took a pennyworth of 'bacco, and said, that will serve for my comrades. Afterwards the Yorkshireman said he had two or three places more to go to, and he said, "perhaps I shall see you again on Sunday;" says I "I do not think you will."

Was this said in the presence of the person who is here?—No, he was outside the door.

Richard Statham cross-examined by
Mr. *Sergeant Copley*.

It was the Yorkshireman that was the great spokesman throughout?—I did not hear any great spokesman; he asked me whether I was not Yorkshire; he expected to see a Yorkshireman, he said.

Mr. *Gurney*.—Who paid for the liquor?—I

was not taking notice, for I was not sitting in their company.

A Jurymen.—Which of the two gave the toast about a big loaf?—I believe it was the Yorkshireman, as he called himself; a big man; I do not know what he was.

William Mortimer sworn.—Examined by Mr. Gurney.

Are you a soldier in the Coldstream guards?—Yes.

In November and December last, were you in the Tower?—Yes, I was.

Do you remember seeing any men come there shortly before the riots in the Minories?—I cannot say; it was shortly before the Spa-fields meeting.

How many came?—There were two.

Was that one of them that is standing up? [Hooper.]—That is the young man.

Was the other a taller, or a shorter man?—Taller.

Did either of them produce any printed bills?—Yes.

What were those bills about?—I cannot say; I am no scholar, and could not read them.

Did they give any beer to the soldiers?—Yes, there was half a gallon of beer after I came into the house.

What house was this at?—The Stone Kitchen.

Was Statham present at any part of this time?—Statham was present with this young man at the bar.

Do you remember any conversation about the Spa-fields meeting?—Not the least.

Do you remember any thing of their conversation?—No, nothing to me, not the least.

You do not remember any of their conversation?—No, not the least.

Did you hear either of the bills read?—In the mess kitchen there was one read.

Do you remember what it was about?—No, I do not.

Do you remember any money being given to Statham by any body, for beer?—A shilling was given him at the bar.

Who gave that?—That young man [Hooper].

William Mortimer cross-examined by Mr. Wetherell.

Do you remember a good stout strapping fellow there, at the same time, called a Yorkshireman?—Yes, there was.

You remember the Yorkshireman?—Yes, he was called a Yorkshireman.

A stout man?—Taller than that man.

Did he come bustling about there?—Not in my presence.

So this shilling was given for beer?—Yes.

Except a penny for 'bacco?—There was a pennyworth of tobacco came up with it.

Did one of you get the tobacco, or was it distributed among you all?—There was not

above a couple of pipes of it; who had it I do not know.

You seem to recollect nothing else about it?—I recollect his being there, and wrapping a bill up, and throwing it down on the floor.

Are you certain the Yorkshireman did not put down the shilling?—It was the other young man.

Are you quite certain of that?—Yes.

Why are you certain of that?—Because I took particular notice of it at the time.

Were you nearer to him than the other soldier?—I came in at the door, and called for a pint of beer.

Where was Statham standing when the money was given?—Close to the bar.

He could see what was going on as well as you?—Yes.

Thomas Robertson sworn.—Examined by Mr. Gurney.

In November and December, last were you stationed in the Tower?—Yes.

In the Coldstream regiment?—Yes.

You remember the riot in the Minories?—Yes.

Do you remember being in the Stone Kitchen the Sunday night before?—I was in the Stone Kitchen a Sunday night, but whether it was the night before I cannot say.

Do you remember any men coming there?—Yes.

How many?—There were two men came in particularly.

Lord Ellenborough.—Ascertain what Sunday it was.

Mr. Gurney.—I think I shall fix the day by something that is coming. Do you remember any thing being said before they parted, about the next day?—Yes; when they were going out, down stairs out of the Stone Kitchen, one of them took a large bunch of colours out of his hat.

Do you mean ribbons?—Yes.

And said what?—And shook it round his head, and said he hoped we should all wear the same as them to-morrow.

He took them out of his hat?—Yes, out of the inside of his hat.

And held them up, and said he hoped you should all wear such ribbons as them to-morrow?—Yes.

Were the ribbons all of one colour, or more colours than one?—They were of different colours to the best of my belief.

Thomas Robertson cross-examined by Mr. Sergeant Copley.

There were two men?—Yes.

Which did this, the taller or the shorter of the two?—To the best of my belief, it was the shortest man.

Have you any recollection about it?—Not particularly.

Mr. Justice Bayley.—He has not mentioned what men they were.

Mr. Gurney.—I have reason to believe the person is not here. He mentioned two men, a tall man and a short one; the shorter man is not here.

Lord Ellenborough.—He mentioned that there were two men.

Mr. Gurney.—Yes, my Lord.—A taller and a shorter?

Witness.—Yes.

Mr. Justice Bayley.—You have not at all fixed who those two men were.

Mr. Gurney.—No, I do not believe we can.

A Jurymen.—Do you know the date of that meeting.

Mr. Gurney.—Do you remember how soon after that the Spa-fields meeting took place?—No, I do not remember; we were confined in the Tower several nights before in consequence of that.

Were you confined in the Tower any night before?—Yes, on the Sunday before.

And on some other day?—Yes, the Monday after.

Mr. Justice Bayley.—Were you confined in the Tower after the Monday?—Yes.

Mr. Gurney.—What were you confined for?—On account of the Spa-fields meeting.

You were confined in case of any mischief?—Yes, we were not allowed to go out.

Mr. Wetherell.—In consequence of what he has said, this is not evidence.

Lord Ellenborough.—It is general evidence of what was done in consequence, but he has not identified the parties.

William Duke sworn.—Examined by **Mr. Richardson.**

Do you live in a place called the New Cut, between Blackfriars and Westminster Bridges?—Yes.

Is that a shorter road from Rowland Hill's chapel to Westminster bridge?—It is.

Have you a number of carriages, and things of that sort, for sale?—Yes.

Do you remember the time of the last Spa-fields meeting?—I do not know the time.

A short time before that meeting, do you remember two men coming to your place?—Yes.

How long before?—About three or four days.

What sort of men were they; were they of the same size?—One a tall man, and another a shortish man.

Did they apply to you for any thing?—Yes, for a stage; whether I had got a stage to sell.

Mr. Justice Abbott.—To sell, or to let?—To sell, at first.

Had you any thing of that sort?—Yes, I had.

What sort of stage?—It had been a mountebank stage, about eight feet long, with a platform upon it for people to stand upon; and they said it would suit their purpose.

You shewed it to them?—I sent a man to one of my yards to shew it them.

They told you, it would suit their purpose?—Yes, and I asked them ten pounds for it.

What said they?—They hesitated a good bit; and then they said, they wanted to hire it.

Did they say for what purpose they wanted it?—When they said they wanted to hire it, I said, I never lett no carriages at all, neither chaises, nor gigs nor any thing; and I would not let them have it.

Did they say for what purpose they wanted it?—They wanted it to go to Spa-fields, where there was a meeting; there was a society of them, and they would make it good, if any thing happened to it. I said, "I shall not lend it to you." They wanted it to make a speech upon it.

You would not let them have it?—I would not.

You came to no agreement then with them?—I would not; I told them I would not let it go.

William Ware sworn.—Examined by **Mr. Gurney.**

Do you remember the Spa-fields meeting last December?—Yes.

A few days before that, do you remember Castle making any application to you?—After the second.

After the second, or before the second?—After the first, and before the second.

What application did he make to you?—He wanted me to recommend him where he could borrow a waggon.

Did you recommend him to any person?—Yes.

To whom?—To Mr. Windemude.

Frederick Windemude sworn.—Examined by **Mr. Gurney.**

Do you live in the Horse-ferry-road?—Yes. Do you remember the Spa-fields meeting on Monday the second of December?—Yes, very well.

On the Wednesday before that, did any person apply to you for a waggon for that day?—Yes.

Who applied to you?—A person that I have found since to be of the name of Castle.

Did he tell you for what purpose he wanted your waggon?—Yes.

For what purpose?—He said, that Mr. Hunt had a few speeches to make on the Monday following, and that government had offered to erect him hustings, but he would not accept them, and he would speak from a waggon.

Did you lend them your waggon?—Yes.

At what house was it you had this conversation with him?—He sent for me to the sign of the Ship, Horse-ferry-road.

Did you talk together about the price?—Yes.

Did he come to you again once, or more than once?—He came to me on the Sunday following.

Who came with him?—A person I have found since to be of the name of Hooper.

Is that the person? [pointing to Hooper.]—That is the person.

Did they come to you at the Ship on Sunday evening again?—They sent for me to the Ship.

Did you then receive directions where to be the next morning?—Yes.

Did you receive those directions from Castle or from Hooper?—From both of them, I believe, to the best of my knowledge.

Were you and they in company together, and talking so that each heard what the other said?—Yes, in the tap-room.

Where were you directed to take it the next morning?—At the top of Chancery-lane, Holborn way.

Did you see either of them produce any hand-bill?—Yes.

Which?—I cannot say which; I believe both of them had hand-bills.

What about?—I did not read them; but one was stuck up in Mr. Wheatley's tap-room.

Who stuck it up?—I believe Castle did.

What became of it?—It remained there; but when I came the next morning, I found it was pulled down.

Did you see any cockade or ribbons?—Yes.

In whose hands?—Mr. Castle's; he had a very large one inside of his hat.

Was it one colour, or more colours than one?—Different colours.

Did he give any person in the house any of it?—Yes.

Who?—Not of that ribbon; he had in his great-coat pocket fifty or sixty yards, and he gave me a bit about a quarter of a yard, and the servant about a yard and a half; she asked him for it.

The female servant of the house?—Yes.

Did either of them say anything to you about dressing your horses?—Yes, both of them; they spoke to that purpose, and I denied it.

With what?—With ribbons.

What did he say?—He said these ribbons and these colours were what the horses were to be decked out with the next morning.

And you denied it?—Yes.

The next morning, did you and your boys go with the waggon to the top of Chancery-lane?—Yes.

While you were waiting there did you see Hooper and Castle?—Yes, they came to me.

Did they give you any directions what to do?—They asked me how long I had been there.

Did they tell you what to do?—They told me to stop there till they returned.

How soon did they come back?—In about a quarter of an hour, it might be a little more, I cannot say particularly.

Did they bring any thing with them?—Not then.

Did they go again and come back again?—Two gentlemen came after that, and asked me where I was going with that waggon, whether I was going to Spa-fields with it.

Did either of them, or any other person, bring any thing to your waggon?—Yes, after that.

Who did that?—Both Castle and Hooper too.

What was it they brought?—Something wrapped up in blankets and something in a handkerchief, which were put into the waggon; long poles they proved to be.

Mr. Justice Bayley.—The long poles were wrapped up in what?

Witness.—In a blanket.

Mr. Gurney.—Who went with you to Spa-fields at last, after you had all the things?—

Mr. Hooper rode in the waggon all the way.

Then Castle did not go to Spa-fields with you?—To my knowledge I never saw him afterwards.

When Hooper got into the waggon, to go with you in the waggon to Spa-fields, were there any other persons in company with him?

—There were two gentlemen who had made great inquiry where the waggon was going.

Did they speak to Hooper when he got into the waggon?—Yes.

Did they appear to be in company with him?—Yes, and he told me, if any body asked where the waggon was going, not to tell them.

Did they walk before you?—Yes, they told me to follow them.

And did you follow them?—Yes.

To Spa-fields?—To Spa-fields.

When you got to Spa-fields, were you directed to stop by any person?—Yes, I was.

By whom?—I believe it was Mr. Hooper told me to stop; but I was directed by one, two or three; those two gentlemen that I followed told me to stop.

Did they stop too?—Yes.

Did you take your horses out?—I did; I told my lads to take them out.

Did you then make any application to Hooper for any thing?—Yes; when Mr. Castle came to me on the Wednesday he gave me ten shillings as earnest for the waggon, and on Sunday two one pound notes.

Then you had received two pounds ten shillings?—Yes; and I was to have thirteen shillings more on Monday morning.

How was that?—Three guineas I was to have for the use of the waggon.

For yourself and the boys?—For myself and the boys.

Did you apply to Mr. Hooper for this thirteen shillings?—I got up in the waggon, and applied to Mr. Hooper, and there were those two gentlemen, and two or three more that went before the waggon; and he said, I had no occasion to trouble myself.

Who said that?—To the best of my knowledge, the persons were young Watson and Thistlewood.

Do you believe that to be the gentleman you call Thistlewood? [pointing to Thistlewood.]—I believe that to be the gentleman, to the best of my knowledge.

Was he dressed then as he is now?—No; he had on a brown great coat.

Was he dressed like a gentleman?—Both like gentlemen; arm in arm together.

What answer did Mr. Thistlewood give you?—I am not sure whether it was him, but some one made me an answer, I had no occasion to have my doubts; if it was five hundred pounds I should be paid.

Did these persons get into your waggon?—They were in the waggon.

All three of them?—Yes; three or four of them.

Did any other persons get in?—The very moment I spoke those words, I got out of the waggon, and the waggon was filled with people of every description; boys and men of every description; it was filled in no time.

What was done with those long poles which were wrapped up in blankets?—They undid them, and they proved to be flags; and they waved them about and hurra'd, and made a great noise.

Do you remember who held up the flags?—No, I cannot say.

You took out your horses, you say?—Yes.

Did any persons make speeches from the waggon?—Yes; there were many persons made speeches; but I paid attention to the front of the waggon, and did not hear them.

Did you hear what the last speaker said?—"Follow me."

Do you know who that was?—I do not.

After you had heard the words, "Follow me," what became of the persons who were in the waggon?—They all got out; the mob all followed them, and left the waggon.

Did the colours go away as well as the mob?—Yes.

After they were gone, did you find any thing left in the waggon?—Yes, I did.

What?—A piece of cloth, apparently like a handkerchief; there was some hay left in the waggon; and after they were gone, I stopped about half an hour.

You found a piece of cloth, and what did you find inside it?—Some bullets, a can of powder, and like slugs in it; bits of lead cut to pieces, in a glove; the powder was in a tin can.

Do you mean such canisters as powder is kept in?—Yes.

Did you afterwards give them to the officer, Gillmor?—No, I gave them to my son-in-law, Yeomans.

Which of them brought that piece of cloth that had these things?—I am not sure, but I think Castle put it in the waggon.

Was Hooper with him when he brought it?—Yes.

Frederick Windemude cross-examined by
Mr. Wetherell.

Castle put the blankets into the waggon?—I am not sure, I think he did.

When he first came to you about the waggon, I understand you to say he was alone?—He was.

Did he say any thing else about Mr. Hunt?—That was what he hired the waggon for.

For Mr. Hunt?—Yes.

And that government had offered to build hustings, and he would not accept of them?—Yes; what he had to say, he would say from a waggon.

How long was it after this, that you say some other person came with Castle?—On the Sunday following.

Which of the persons here was it that came with him on the Sunday following?—That gentleman there, Hooper.

You say something about the younger Watson?—Yes.

Where did you first see him?—At the top of Chancery-lane.

Are you sure of that?—I am not certain it was him, but by the description I think it was him; he was in company with that other gentleman there [pointing to Hooper.]

Was it the same person who made a speech from the waggon?—There were three or four in the waggon.

You heard somebody use the expression of "follow me;" was the person who used that expression "follow me," the same person you saw at the top of Chancery-lane?—I cannot say, there were so many persons there, and I was attending to the front of the waggon; but I heard the words, and those were the only words I attended to.

How near were you to the top of the waggon?—I was in front of the shafts of the waggon; there were so many people getting on the shafts, I was afraid they would break them; I heard those words, and they got out directly.

You were close to the shafts?—Yes.

And these are all the expressions you remember?—Yes.

There was a good deal of noise?—Yes.

When any thing choice and good was said, there was a good deal of hurraing, was not there?—There was, a great many times.

Was not there a great deal of noise during the time of the speeches going on?—There was.

Was not there a good deal of crowding and shoving and jostling in that place?—There was.

During the whole of the time?—Yes, the whole of the time.

You sat upon the shafts?—No, I stood upon the ground.

Were those the only words you attended to?—I cannot mention one word they said, only that word; I took no notice of what they said.

That was the final close?—Yes.

A Jurymen.—Did you say it was a glove that contained those bullets that were found?—An old glove, a worsted glove.

A Jurymen.—May I ask, how he disposed of the shafts?—They were at liberty.

Did you suffer persons to stand within the shafts?—I was obliged; the mob was so great I could not keep them down.

Thomas John Yeomans sworn.—Examined by
Mr. Gurney.

Are you son-in-law to Windemude, or stepson?—Yes.

Were you with him in the waggon in Spa-fields?—No, I came after the mob were gone.

Did your father give you the balls and the powder that were found in it?—He told me of it.

What did you do with them?—I got into the waggon.

Did you take them?—Yes.

Whom did you afterwards give them to?—To my mother.

Did you give them to Gillmor after that?—I did not.

Were they given to Gillmor at your house?—Yes; I opened the handkerchief, and looked what was in, and there was a canister of powder, and some balls and slugs.

You took them home and gave them to your mother?—Yes.

Did Gillmor the officer come to your house for them?—Yes; he heard I had such things, and he came.

James Gillmor sworn.—Examined by
Mr. Gurney.

You are a police-officer I believe?—I am.

How soon after the 2nd of December did you go to Windemude's?—On the Sunday following.

That was the 8th?—Yes, I believe it was.

Did you receive there any powder and balls, and slugs?—Not that day: on the Wednesday following that.

Will you produce what you received?—I received these from Windemude; this contains bullets, and this powder [producing them].

And that piece of ribbon in your hand?—Yes.

Mr. Justice Bayley.—Were they in these things then?—Yes, these are bullets, and there are some slugs.

How many bullets are there?—Better than sixty.

And how many slugs?—About half a dozen.

How much powder is there in that canister?—I do not know; I should presume, by the look of the canister, a pound.

Was it full, or not?—It was nearly full, but, by being kept, it dries.

Lord Ellenborough.—The bullets are in a glove.

Mr. Justice Abbott.—It is a glove, without dividing the fingers.

Ann Hayes sworn.—Examined by Mr. Gurney.

In the months of November and December last, did you live servant at the Ship at Horse-ferry-road?—Yes.

Do you remember seeing a man of the name of Castle there, shortly before the Spa-fields meeting?—Yes.

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Did you see him there once, or more than once?—Twice.

Do you remember his being there on the Sunday with Windemude?—Yes.

Was any other person in company with him?—One person.

Do you think you should know that person again?—No.

Did Castle give you any ribbon?—Yes.

Have you any of it there?—Yes [producing it].

Lord Ellenborough.—It is the same sort of tri-coloured ribbon, green, white, and red.

Mr. Gurney.—Have you the ribbon that was found in the waggon; I wish to see whether they were alike?

Mr. Justice Bayley.—Is it proved to have been found in the waggon?

Mr. Gurney. [to Windemude].—When you found the things in the waggon, was that piece of ribbon there too?—No.

Where did you get it?—That is the piece of ribbon, to the best of my knowledge, that was given to Mr. Wheatley's servant.

Mr. Gurney. [to Gillmor].—Did you receive that ribbon from Windemude's house?—Yes.

[To Yeomans].—Where did you receive it from?—From Windemude.

Thomas Stacy sworn.—Examined by
Mr. Richardson.

Do you live in Queen-street, Camden Town?—Yes.

Where is your shop?—Charlotte-street, Portland-place.

Do you remember a man of the name of Castle buying from you any sabres?—Yes.

Do you remember the time of the second Spa-fields meeting?—Yes.

Was it before that time?—Yes.

How long before?—I think it was not a week before, when he took them away; he took a sabre and a dirk away.

He bought them from you, and carried them away?—Yes.

Thomas Stacy cross-examined by
Mr. Sergeant Copley.

Did you know this man?—Yes.

You had known him before?—Yes.

George Flint sworn.—Examined by
Mr. Richardson.

You are a pawnbroker?—I am.

Where is your shop?—At No. 89, Edgware-road.

Do you remember selling any pistols to a man of the name of Castle?—I do.

One pair, or two pair?—I sold him but one pair; but I took the money for two pair.

When he first came, did he bargain with you?—No, he did not; he bargained with my servant.

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The second time he came, did you see him ?
—I did.

The second time that he came, did he take away a pair of pistols ?—He took away the first pair that he purchased.

How much did he pay you ?—I cannot say that ; it was the remainder of the purchase money ; he paid eighteen shillings for them ; something had been paid before, and he completed his purchase and took them away.

Did he bargain with you then for a second pair ?—He did.

And pay you part of the purchase money for the second pair ?—He did.

Did he afterwards complete that purchase, and take away the second pair ?—On the Saturday morning he purchased the first pair ; he came in the evening and paid for them, and then he wanted me to keep the others till Sunday morning. I told him it was not my custom to serve on a Sunday morning ; but for the purpose he wanted them, I thought it improper to refuse it, and therefore I let him have them on the Sunday morning.

This was just before the Spa-fields meeting ?
—It was on the 30th of November, and Sunday morning was the first of December.

A *Juryman*.—What was the purpose he said he wanted them for ?—On the Saturday evening, when I went to the shop, (I was not in the shop when he came), my servant came to tell me—

Lord *Ellenborough*.—What signifies this story ?

A *Juryman*.—What did he say he wanted them for ?—He said he was a Bow-street patrole, and expecting a disturbance on Monday, they were ordered by the magistrates to provide themselves with arms to protect themselves ; therefore I thought it was proper he should have them.

William Mills sworn.—Examined by
Mr. *Gurney*.

Are you foreman to Mr. Parker, a gunsmith in Holborn ?—I am.

Were you in November and December last ?
—I was.

Mr. *Gurney*.—Will you shew this gentleman the pair of pistols produced by Stephens as found upon Hooper ? [They were produced and inspected by the Witness.] In the month of November last did you sell those pistols ?
—I did.

To whom ?—To a young man who gave me his name as Watson.

What address did he give you ?—Hyde-street.

Did that same person come again the same day ?—He did, in the course of half an hour.

Did he buy any more of you ?—He bought two more.

Mr. *Gurney*.—Have the goodness to shew him the pistol with which Mr. Platt was shot. [It was shown to the witness.] Is that one of

the two you sold him the second time he came ?
—This was one of the four pistols I sold, but I cannot distinctly say whether it was one of the first or the last pair.

Then you have seen here three of the four you sold to that person ?—I have.

Mr. *Gurney*.—Now shew him the pistol found upon old Watson, by Miell, at Highgate. [It was shown to the witness.] Is that the fourth ?—This is the fourth pistol.

Mr. *Attorney General*.—That is my case, my lord.

DEFENCE.

Mr. *Wetherell*.—Gentlemen of the Jury, we have now arrived at the middle of the fifth day in the trial of an indictment for treason of the most extraordinary description which ever occurred in this country (of such a description I am confident we shall never see another);—a trial which, in the mere statement and narrative of the circumstances, composing the imputed crime, has extended to a length absolutely unexampled ;—a trial founded upon a record which has no precedent in the Crown Office of his majesty :—a record which presents not one or two strong facts leading to one or two clear results and deductions of the law, but which contains (as you will perceive from what I am now spreading out before you) a volume of small facts and circumstances, out of which is to be laboriously (and, as I contend illegally) wrought a conclusion of *constructive, and accumulative treason* :—a record which the law officers of the crown, ought not to have put upon the file of the court :—a record, in its form so new and unprecedented, that his majesty's attorney-general (as I understood his opening speech) considers it improper ; for unless I have mistaken his language, he seemed to allow that several of the treasons charged, need not have been introduced upon the face of it. I do not say that that admission was made in terms, but it was made virtually and in substance. Upon this indictment the prisoner is accused of four distinct treasons : he is accused, *first*, of compassing and imagining the death of the king—a treason which, in its direct import and definition, consists in the contemplation of assassinating, or murdering, or doing harm to the natural person of the king ; he is accused, *secondly*, of a treason which in its nature and constitution may exist without the direct contemplation of personal harm, or injury to the sovereign, namely, the compassing and imagining to depose the king from his imperial crown, a treason, however, which, in point of law, involves as a necessary and presumable consequence an intention to destroy the natural person of the king ; he is accused, *thirdly*, of actually levying and making war against the king, in order, by force, to subvert the government of the realm and to depose the king ; and *fourthly*, he is accused of intending and conspiring to levy war against the king, in order, by force and restraint, to compel him to

change his measures and counsels. These are the four treasons imputed to this unhappy man.

Before I adduce any arguments upon the law or the facts of this particular case, I entreat your earnest attention to a remark made by Mr. Justice Foster (one of the most eminently learned, pious, and respected judges who have adorned the bench), which, at the outset of this case, I did not anticipate that I should have occasion to mention, but to which it is now absolutely essential to allude, not perhaps so much with reference to the case of this unfortunate man, as to the life of every individual in his majesty's dominions. That learned judge, when he had composed his discourse on the law of treason (containing maxims which no man has questioned, and doctrines which every man must look up to as the sacred text of the law) prefixed to it a preface in which he recommended his work to be read, not from vanity in supposing his own dissertation to be particularly valuable, but from a regard to the lives and safety of his countrymen. He recommended it for a reason which must have already occurred to you, and which will be very strongly exemplified before your verdict shall be pronounced, for you and every person in this court will be convinced, that no man ever uttered a more important truth than Mr. Justice Foster did, in making the observations I am now about to read. He says, "The learning touching these subjects is a matter of great and universal concernment. It merits, for reasons too obvious to be enlarged on, the attention of every man living; for no rank, no elevation of life, and let me add, no conduct, how circumspect soever, ought to tempt a reasonable man to conclude that these inquiries do not possibly concern him. A moment's cool reflection on the utter instability of human affairs, and the numberless unforeseen events which a day may bring forth, will be sufficient to guard any man, conscious of his own infirmities, against a delusion of this kind." Now, gentlemen, if you bear in mind who is the principal (I should say the only) witness in this case—a man of the name of Castle; if you bear in mind what he has proved to have done, in the course of these transactions; if you bear in mind for whom he is a witness, from what place he comes, what he has been, and what he now is; and if you will give me credit for what I shall by-and-by prove to you that he has attempted, in order to ensnare Mr. Hunt, you will be satisfied, that hardly any man can be circumspect enough, to secure himself from a charge of high treason—that the life of no man can be safe unless he environs himself with a circumvallation of incessant care and vigilance, to protect him from the presence, and even from the approach of every person whose character may be in the slightest degree liable to suspicion, and who can by possibility be a witness against him, as to any one act which he might do, or any one word which he might utter.

I have stated this remark, for the purpose of

recommending it to your attention, as a general and leading principle, to guide your judgments to a proper conclusion upon the whole of these transactions. You will hereafter consider whether Mr. Castle is not the man who has made these persons his dupes; whether he has not alone invented, organized, and framed the whole of the projects which he represents were moulded into a system of conspiracy; whether, according to every fair and rational presumption, he is not the author and parent of all these transactions, forming an ideal conspiracy, for purposes of his own.

I will not, however, at the outset of the case, enter more at large into the result which I shall, in the sequel, contend for, with reference to the question, whether these persons were equally participating with Castle in any credible conspiracy, or whether what you have heard is not to be considered as the plan of Castle alone, by his fraud and contrivance imputed to the persons against whom he is now a witness. I will not pretend to arrive at the result of the whole, until I shall have travelled through the preliminary parts of the case. But I will now say, that, unless I am much mistaken, I shall be able to prove, to absolute demonstration, that if the treasonable conspiracy which rests upon the assertion of Castle alone, did really exist, it has only been by the merest chance, that Mr. Hunt, whose name is so familiar to you and to the public, has not been inveigled by this man into such a situation, as that he would now be at the bar of this court an imputed co-conspirator with the unfortunate person whose trial is now proceeding. No man who hears me will for one moment doubt that an artifice, most deliberate and diabolical, was resorted to by this man to draw in Mr. Hunt and so to involve him in the transactions of the second of December, as that he would infallibly have been standing here to-day, to pass through the cold sweat of being tried for his life as an arraigned traitor.

I must own that my main object in rising to address you has led me rather to bring under your consideration, propositions connected with the law of the case, than to enter into any elaborate and minute review of the circumstances which compose the detail of it, because I am perfectly convinced that the attention you have bestowed on the evidence, in the course of its progress, has stamped upon your memory, and placed under your view, every fact and circumstance, and all their combinations, with an arrangement and method infinitely more accurate than they could derive from any representation of mine; indeed, I feel confident that any detail of the facts, if I were to trace them, would rather disarrange than place them in better order: it is for that reason that wherever I shall, in the course of this discussion allude to the facts, it will be rather for the purpose of endeavouring to collect some general result, than to trace the circumstances which lead to that result.

I shall first call your attention to what I

conceive to be the law of England, as arising out of the facts which now stand in evidence before you.

I allow it to be a clear proposition in law the principle of which cannot now be doubted, that an intention to do bodily harm or injury to the sovereign, is as much treason as to compass his death. An intention to imprison or seize, or to impose restraint on the person of the king, is equally treason, as if the precise object of the destruction of his person were made out. It will be understood, therefore, that I make the fullest admissions as to the legal definition of any treason levelled against the natural person of his majesty.

We must next inquire into the fact of the treasonable intention (for the intention is a question of fact), namely, whether, in point of fact, the design or project of the destruction of the sovereign or of any violence to his person was entertained. Now, when we recollect that, after the long and illustrious reign of his majesty, after a life of unexampled public and private virtue, it has pleased that Providence, whose dispensations of grandeur are often accompanied by dispensations of misfortune, that, at the age of eighty years his majesty should be no longer able to carry on, by his own agency, the administration of the affairs of this great empire, we must acknowledge that human nature forbids the existence of such a contemplation or design. For, notwithstanding the crimes and enormities with which mankind is disgraced, yet there are limits to these, and no person can deny, that it is not in humanity, that any person should contemplate violence to the sacred and venerable person of the king. I might add, that considering the melancholy situation in which it has pleased God that his majesty should be placed, a treason of this description is so puerile, with reference to any practical consequences to ensue from it, as again to repel the possibility that such an idea could enter the mind of any man; remembering how long his royal highness the prince regent has held the reins of government. If I were to argue seriously this point of compassing the death of the king, I should ask what can be the object of a conspirator in attempting personal violence to the sovereign, when the government is not actually in the hands of the sovereign? in contemplation of law it is vested in him; but, in fact, it is carried on by his royal highness the prince regent.

Following up this notion of personal malignity towards the king, I must add, that in the course of four days evidence, there has not been brought home to this unfortunate man, nor indeed to any of the other prisoners, the slightest, the remotest word or expression of bad feeling, either against the august sovereign himself, against the prince regent, or against any member of his august house; for in the numerous meetings, in the numerous conversations, in all that mass of facts and circumstances, the developement of which has occupied four whole days, not only nothing tending to the

denial of the authority and dignity of the royal house which reigns over us has been imputed to the prisoner, but nothing even of contumely or disrespect. I must impress this on your minds for it is the fair result of the evidence. In the prisoner, or his associates, there is not apparent upon any occasion, a tendency or disposition to disloyal principles. Upon one occasion, indeed, a toast was given, too infamous for me to repeat, I mean the toast given at the tavern at Bouverie-street. But by whom was that toast given? by the seducer Castle; and when you have heard Mr. Hunt's account of what passed at the tavern, you will entertain no doubt, that Mr. Hunt was the intended victim of his contrivance.

Having called your attention to the nature of the first treason, I shall dismiss it without troubling you further, than by saying, that if it be put on the record for the purpose of alleging that the conspirators intended to overthrow the whole government, which treason I allow carries with it, as a legal presumption, the death of the sovereign, I have no objection to the introduction of it; but if it be introduced for the purpose of raising the proposition, in point of fact, that harm and destruction was intended to the *natural person* of the king, in the direct and immediate sense of the expression, I will content myself with applying to it no other argument or refutation, than to designate it as a *perfect puerility*.

I shall next take the liberty to call your attention to the second treason stated upon this record; it is that of compassing and imagining to depose the king from his kingly office and dignity. That is a treason which, dropping for a moment the accuracy and precision of legal phrase, imports that the actors in it propose to overthrow the government, and to demolish the constitution.

Now it is clear and undoubted law, that conspiring to depose the king is a treason under the ancient statute of Edward the Third. The Attorney General, as I understood him, said, that the treason stated in the second count (which is that of conspiring to depose the king) and the treason stated in the fourth count, (which is that of conspiring to levy war against the king, by force and constraint to compel him to change his measures and counsels,) seemed to be pretty much the same as the treason stated in the first count. I cannot agree to that law. A statute was made in the year 1795, for the purpose of extending the statute of Edward, and of creating treasons which were not such before. By the ancient statute of Edward, the mere conspiring to levy war, in order to compel a change of measures, I apprehend, would not have been treason. By the Act of 1795, a new treason was made, namely, the conspiring to levy war in order to intimidate or over-awe the Parliament. It is also made a treason, by this modern Act, to *conspire* to levy war against the king, in order to compel him to change his measures and counsels. Now, I will not stop to inquire whether the treason

alleged in the fourth count could or could not exist under the statute of Edward, or whether the statute of 1795 has or has not varied the rule of the ancient statute upon that subject; undoubtedly such a conspiracy would be treason now. I concur, therefore, in the law as it is stated now to exist; though I must say, the very statement of the Attorney General, that the second and fourth treasons were much the same as compassing the king's death, appeared to me to lead to the conclusion, that they were unnecessary allegations; and therefore I ask, why are they inserted in the indictment? Most assuredly it is a maxim of law and of fact, that to conspire the destruction of the government, is to compass the death of the king, the personal destruction of the Sovereign being involved in the destruction of his government; why, then, have the framers of this record multiplied their charges? The Attorney General has stated to us, that the ground on which he proceeds here, is the ground, that they intended to overthrow, by one general revolution, the whole state, government and constitution. If this be so, why has not the record confined itself to the first treason? why go further?

I have called your attention to these preliminary remarks, because in this variety of treasons you might be led to suppose that there was something of so very peculiar a description in this case, that it required a multiplication of charges, in order that a treason might somehow be complicated from the whole taken together. But such a principle cannot exist in law. It is not enough to have something of one treason, something of a second, something of a third, and something of a fourth; this mixture cannot be permitted; this, you well know, would be accumulative treason; you must therefore look at these four charges distinctly, individually, and substantively; and some one of them must be pointedly made out.

I entertain a pretty strong conjecture that these four treasons have been charged, because the crown lawyers were conscious they could not maintain their case upon any one of them separately. The crown lawyers have, therefore, skilfully enough, put in four treasons, in order to perplex the subject, and to obtain by confusion what they could not by distinctness and precision.

I do not wish to enter here into a legal disquisition (which would take up a great deal of time) whether the fourth treason did exist under the statute of Edward 3rd. I beg leave, however, to enter my protest against that proposition; and I have Lord Hale, and many other authorities, to shew, that a mere conspiracy or agreement to levy what is termed *constructive war*, that is, war not having in view any restraint of, or violence towards, the person of the king, is not a treason within the ancient statute. But it is not worth while to pursue this point further; for the allegation is general and comprehends both statutes. I only advert to the opening of the Attorney General: it is not

so much my object to complain that the second and fourth treasons have found their way into the indictment, as to remind you that it has been admitted that they were unnecessary.

Having called your attention to this short analysis of the first, second, and fourth treasons stated upon the record, you will next allow me to call your attention to the facts which ought to be applied to them. You must have evidence, by which you are to be satisfied, that there has been a plan or conspiracy to put the king to death, or to overthrow the whole government, or some conspiracy or plan to depose the king from his kingly office; or you must be satisfied that there has been some conspiracy or plan to levy war to compel the king by force to change his measures.

I should have thought that the only feature in this case, which could possibly require examination—that the only treason, the supposed existence of which could deserve attention was, the third treason stated in the indictment, namely, that of having actually levied war; that is, whether the outrages and violences committed on the 2nd of December did or did not, in fact and in law, fall under the definition of *levying war*, according to the principle of the ancient statute of Edward 3rd. I may be wrong in that; it is, however, my opinion. I cannot bring my own mind to delude itself with the idea of a conspiracy to kill the king or to depose him from his kingly office, or to subvert and destroy the constitution and the government. I say, of all this bulk and mass of conspiracy to overthrow the state, that there exists not, as I insist—and I submit it to your veracity and honour as Gentlemen, to your oaths, to your collective and individual discernment as jurymen—there exists not one fact nor the semblance of a fact, to make it a colourable case. There is not even a fact which any man would desire to have gravely argued before him. Why do I say that? because the persons who compose the conspiracy are men whose situation in life, as it strikes my poor judgment, is such, that they are not exactly the sort of persons to make a new constitution for us. Well, but we have had evidence, nay, written evidence, that they meant to establish a new government; there is the miserable scrap of paper, the C. P. S. described by the conspirator Castle. This, I suppose, is to be called a skeleton of a new government. You recollect, as we all do, the state of this country, the state of political parties amongst us during the early parts of the French revolution, and the transactions which led to the trials at the Old Bailey in the year 1794. There did indeed then exist the notion of overthrowing the constitution, in order to place a new one in the room of it. The treason then imputed was, that Tooke and Hardy, and the societies with which they were connected, had formed a plan to subvert the government by calling a convention of the people, which was to usurp the functions of the legislature, to demolish the entire fabric of the constitution, and to substit-

tute a republic. I need not do more than call your attention to the contrast between that case and the present. There existed then a party in this country too much disposed to think, that the Convention of France was a better thing than the Parliament of England; and some persons from folly and levity, some from heat, some from speculation, some from malignity, were led to countenance the idea that such a change would ameliorate the condition of the people. The great empire of France had been prostrated by the Jacobin clubs. The whole of that country was carved out into 44,000 societies. There was an avowed attempt at that time in England to erect a system of affiliated societies precisely on the same model; and I am credibly informed that the persons who were actually registered, or who composed the societies here, amounted to little short of 300,000 persons; these were intimately connected together; they had their private committees and their public committees, and their connexion and association was so close, that a communication as quick as the course of the post, would enable them to act simultaneously. Such a class of persons already possessed great physical strength, and their instruments and means of assistance were well adapted to enable them to raise the population *en masse*, and to establish a convention of the people to overbear and demolish the existing government of the country. I do not stop to inquire whether the plan to call a convention of the people was truly or falsely imputed to these societies. The result you know, but I call your attention to the nature and species of the plan itself. It was a practicable plan; it might well subsist; it was accompanied with instrumentality to carry it into effect; and such a plan had been carried into effect in France.

But that is not all. In 1792 and 1793, the societies which were so hostile to the State, were not only a complete system of association—not only were they in numbers formidable; but they carried on a close and intimate correspondence with the Convention of France, and were even more formidable in their alliance with the Jacobins than by their own numbers. So formidable had this system become, as you will recollect, that after the issue of the State Trials in 1794, the legislature was obliged to interfere, those societies were put down and abolished by an act of Parliament, and it was made penal for their members to meet. Now here was indeed a body having their object, looking back to those times, one might believe the existence of an extensive internal organized and hostile to the government, and the readiness of an inveterate foe to give it support. None of us can forget the memorable decree of the French Assembly, in November 1792, by which they proclaimed rebellion in every country in Europe, and promised their assistance to universal revolt. Going back to the year 1792, you might perceive both external and internal means commensurate with a revolution.

Would it not be a waste of time to pursue the

contrast, between that period and the present; and to argue, whether an association of persons consisting of two broken-down apothecaries, a broken-down gentleman, and two cobblers, unconnected with any society in any part of England, while we are at peace with all the world; whether these five solitary persons could entertain the project of a revolution and complete subversion of the government; for nothing short of this has been ascribed to them by the opening of the Attorney General. A revolution, I have always understood, must consist of two parts; of a demolition of the government that is, and the substitution of another that is to be. Now when I look at this charge, I say the statement of the charge is repelled by the statement of the fact; and I must own, therefore, that in my view of the subject, I cannot argue upon it.

In the course of his opening, the Attorney General alluded to the Spenceans; and my learned friend who sits at the end of the seat, with that dexterity which he has in putting questions, slipped in a little about the Spenceans. They are a set of persons whose pamphlets I have read and am well acquainted with; they have most strange and singular notions as to landed property; but if the Attorney General seriously meant to state, that the prisoner at the bar or his co-conspirators, have any connexion with Spencean societies, whose principles, or whose powers and numbers, they proposed to call into action to assist them in their revolution, he ought to have proved it, but he has not; and what is more singular, out of the two hundred and thirty persons named in this unexampled list of witnesses for the Crown, no one has been called to state, that any one member of any Spencean society had any thing to do with these transactions. I shall only say, that such insinuations ought not to be made; for they are intended to create a suspicion, that these men are leagued with bodies of persons in this country, whose numbers might make them of importance.

I have referred you to the state of the country in 1792, and if there are societies of Spenceans, or any other societies on foot now, who mean mischief, why did not the Attorney General prove it? Let us have fair play. Why have we not had evidence that the prisoner was acting in conjunction with those societies, in order that we might have gone into the state of them, and taken your judgment how far they exist, and how far their conduct could be reckoned upon, with reference to the idea of a revolution? I must, therefore, say, that I think all those oblique insinuations about the Spenceans, had nothing to do with the case; and I repeat that they ought not to have been made.

I must here, also, desire you not to forget the accomplice and witness for the Crown, Mr. Castle; if you advert to his statement you will find, that he has not pretended to say, that the Spenceans were to assist the conspiracy; and, therefore, the prejudice which the opening may have excited, not only is not con-

firmed by any witness, but I think we may fairly say, that any thing which falsehood and malignity would suggest to any man's mind, could not escape the malignity and falsehood of Castle; and when I remind you, that he has not asserted that they were connected with the Spenceans, I think the fact is indisputable, that they were not. You will recollect, that I put to him several questions, whether he could name any persons whom he had got to attend at Spa-fields—whether he had a private list of persons who were likely to take a part with them, and become confederates in the common conspiracy—no, not the name of one man, could he mention to be added to the list. Therefore, its numbers begin and end with five solitary persons; though I should not omit to mention, that, in addition to the two coblers, against whom the bill is found, there was a journeyman tailor, against whom the bill was not found; to them, and to them simply and literally, belongs the whole plot, if there be a plot, or the plan, if there be a plan, of subverting the constitution, and substituting another.

With respect to the fourth treason, the conspiracy to levy war against the king, in order, by force, to compel him to change his measures, the Attorney General stated in his opening, that it followed the fate of the first and second; consequently, it is unnecessary here, that I should say any thing upon it particularly; I pass it by, therefore, under a protest, however, that according to my humble opinion, such a treason was not assignable under the statute of Edward, but has been newly introduced by the statute of 1795.

I do assure you, that if I thought it possible that I ought to enter farther into a contrast between the state of things in the year 1792 and the state of things now—if I did not conceive it to be a contrast which a reflecting man would think it offensive to have argued, I would enter into it more in detail; but I will not suppose, and I should be unpardonable if I did suppose, that your discernment, and the light of your understanding, and the reasoning powers of your own minds, would not enable you better to draw any comparison than I could attempt to do. Your station and condition in life, your education and your experience, give you the means and facilities of taking a complete and comprehensive view of such a subject, in all its bearings. And I hope, not presumptuously, to assume it to be a waste of time to dwell longer on this miserable conspiracy for the political overthrow of the whole State, which embraces the treasons imputed in the first, second, and fourth counts of this indictment. But I cannot leave this conspiracy, of five insulated individuals, named in this record, without desiring you to recollect who the sixth is, who is not named in it: he is omitted in order that he might earn blood-money, by sacrificing others—earning money by the sacrifice of those whom he could betray, is the common trade of this man—his associates are to be dragged on burdles, to suffer death for

treason, that he may get the price of their blood.

I shall proceed now to call your attention to the only charge which, in my humble judgment, can deserve to be the subject of a serious discussion; I mean the treason which consists in levying war against the king—a treason which, I readily allow, may be materially connected, in its principle and its object, with the treasons mentioned in the other three counts.

Before I advert to the facts of the case as they relate to this part of the subject, it is material that I should call your attention most particularly to the statute of Edward, and to the authorities of learned and eminent writers, in order that you may have a clear, distinct and precise definition of this species of treason. You will observe, that the language of the law upon the subject of levying war is this—it is not merely levying war, but it is levying war *against the king*. The treason does not consist in the existence of force, but it means force *applied against the king*. I will read to you the clause of the statute of Edward the Third, which is the law itself. It is expressed thus:—"If a man do levy war *against our lord the king*, in his realm." I will next read to you the commentary of lord Hale. He says, to make a treason within this clause of the statute, there must be three things concurring. First, it must be a "levying of war;" secondly, it must be a levying of war "*against the king*;" thirdly it must be within the realm. The definition, therefore, you will observe consists of two component parts; it is not levying of war *alone*, but it is levying war "*against the king*." The question, then, which we must keep in view is, what is levying war *against the king*? I must here superadd and press upon your attention another thing; which is, that the question, what is levying war against the king, is entirely a question of fact, and that the highest authorities have allowed it to be a question of fact, exclusively belonging to the cognizance and opinion of a jury; indeed the very statement of the proposition shows that it must be a question of fact, because the law cannot settle *a priori* what force shall be a levying war against the king; it must depend upon the facts and circumstances of each particular case. It must always remain a matter of fact, because the raising of force, the applying of force, and every thing which is connected with it, are, in their nature, matters of fact; and, consequently, it would be absurd in the law to lay down any general rule, in order to define this species of treason. I do not state this important principle upon my own authority, which is nothing, but upon the high authority of lord Hale, whose language I will read to you. He says "for the first of these the Act saith levy war: what shall be said a levying of war is in truth a *question of fact*, and requires many circumstances to give it that denomination which may be difficult to enumerate or to define." Your own discernment will show you how impossible it is, that the law should de-

fine generally what should be called war, or should say that twenty men, or thirty men, or a hundred men, with arms, should constitute a levying war against the king; a definition absurd in the very idea. No, it is a complex fact, varying with each case: it is under what circumstances the force is levied; it is of what amount and magnitude it consists; it is the *use and destination of the force*, which must, in each particular case, constitute the question of fact, what is the levying war against the king.

It has certainly been laid down (and I allow it to be clear law) that levying war against the king need not be force directed against the person of the king. I am perfectly ready to admit that several decisions have established the rule, that there may be what is termed a "*constructive levying of war*;" by which is meant, that the power or authority of the State is attempted to be taken out of the hands of the king and usurped by force in defiance to the crown: this makes a constructive levying of war; several of those cases have been stated by the Attorney General, the enumeration of which I do not dispute. For instance, it was decided by a great authority, lord Chief Justice Parker, in the trials of Dammarée and Purchase, that a popular rising to destroy all meeting-houses was a levying war against the crown.* This happened in the year 1709, in the reign of queen Anne. It was an insurrection in London, when the meeting-houses of the Protestant dissenters were burnt down. There was a levying war against the king; not indeed a force levelled against his natural person (for I allow that is not necessary) but a force exerted in order to compel the king and the government to surrender a public law. It was one of the laws of England, introduced at the Revolution (and it ought ever to remain), that there should be a system of toleration; consequently, if a set of men rise up and say there shall not be religious worship in meeting-houses, there shall not be an Act of parliament allowing toleration; here is a constructive levying war to compel a surrender of that law into their hands. It was, therefore, as lord Mansfield expresses the same principle in lord George Gordon's case, treason against the majesty of the king † treason to compel the king to deliver up one of his laws to an insurgent force. You will, however, observe in the example I have just mentioned, that two things concurred; first, there was a regular conspiracy or agreement proved, to burn down all the meeting-houses in London; and, secondly, the populace did actually proceed to burn them down.

Having explained to you one example of this species of constructive levying of war, the others may be understood by the same prin-

*Vide Dammarée's case 15 How. St. Tr. 521, Willis's case, *ibid.* 613, and Purchase's case, *ibid.* 651.

† Vide lord George Gordon's case 21 How. St. Tr. 644.

ciple. A conspiracy to throw down all enclosures in the country is, in effect, to say there should be no private property in land. Perhaps I cannot do better than read to you the rule of law, as laid down by lord Mansfield, in lord George Gordon's case, "There are two kinds of levying war:—one against the person of the king; to imprison, to dethrone, or to kill him, or to make him change measures, or remove counsellors:—the other, which is said to be levied against the majesty of the king, or in other words, against him in his regal capacity; as when a multitude rise, and assemble to attain by force and violence any object of a general public nature; that is levying war against the majesty of the king, and most reasonably so held, because it tends to dissolve all the bonds of society, to destroy property, and to overturn government."*

I do not know whether it be necessary that I should detail all the examples which have occurred of this constructive levying of war. They are by no means numerous; there are not more than five or six before the Revolution. The first that is to be met with happened in the reign of Henry 8th. when lord Coke was Attorney-general; it was an insurrection for the purpose of enhancing and fixing a public rate of wages. The next case happened in the time of queen Elizabeth; it was an armed force, for the purpose of throwing down all enclosures. In the reign of king Charles the first, there was Benstead's case, which was a rising to destroy Laud, the archbishop of Canterbury, for having advised the king to dissolve the parliament; this case I shall by-and-by more particularly notice. In a case in the time of Charles the second, it was held that a destruction of all brothels, with an armed force, came within this description.† In another case, in the same reign, the breaking open gaols, and the release of all prisoners, was held to come within the same rule. After the revolution came the case of Dammarée and Purchase, in 1709, when the meeting-houses in London were destroyed.

I will not presume to question any principle which has been laid down by learned and enlightened judges; and I have now made, I think, every admission which can be expected from an English advocate who respects the laws of his country, for no considerations of supposed duty to the prisoners will ever induce me to contend here for a more liberal interpretation of the statute of treasons than the law itself warrants. The protection afforded by the statute of treasons to the power and authority of government I am bound to uphold. I will render to Cæsar what belongs to Cæsar, but not more; I will assign to the statute every thing that belongs to it; but I will deny to it

* Lord George Gordon's case *sup.*

† Messenger's case 6, How. St. Tr. 879, in the notes to which and to Dammarée's case 15 How. St. Tr. 521, the other cases upon this point are cited.

what I think does not. In this short review I have subscribed to every rule which learned judges have laid down on the subject of constructive treason. No example, that I recollect at present, has occurred in this country since that in the year 1709, under this class of treason, with the exception of lord George Gordon's case, in which the jury were of opinion that the general facts were not sufficiently made out against him.

While I am referring to lord George Gordon's case, I cannot but complain that the treasons are too numerous spread in the indictment against the prisoner. In lord George Gordon's case, the indictment, instead of occupying a large volume as the present does, was literally comprised in six or eight lines. The charge was that of levying war against the crown, the questions of law and fact being, whether his attempt to compel the House of Commons to repeal an Act which gave indulgence to the Catholics was levying constructive war; and though I may be wrong in this, it is my opinion that this indictment ought not to have been longer, in order that we might come at once to what I conceive to be the only question in this case.

I need hardly trouble you with additional extracts from other eminent authorities upon this subject. Lord Coke, lord Hale, and Mr. Justice Foster, express themselves much in the same manner. Lord Hale says, "a war levied against the king is of two sorts:—1st. Expressly or directly as raising war against the king, his general, or forces; or to surprise or injure the king's person; or to imprison him; or to go to his presence to enforce him to remove any of his ministers or counsellors. 2ndly, Interpretatively or constructively, as when war is levied to throw down enclosures generally, or to alter religion established by law or the like." The latter branch, you will observe, is precisely the same thing as lord Mansfield in other terms calls war against the majesty of the king. And I hope it will always continue to be held, that if an insurgent force in the country shall presume in the most distant manner to threaten the state, and require the subjugation of the law in any possible respect to the mob, it shall be treason against the crown.

By these principles I am willing that these men should be tried; by this rule let the issue of life and death, as it regards these unhappy men, be decided.

Now having admitted the law, let us see how it applies to the facts of the case: it is a constructive treason for men to meet and burn down all meeting-houses, if they do burn them down; it is a constructive treason to meet and throw down enclosures, if they do throw them down; it is a constructive treason for men to meet and throw down all the gaols in the country, if they do so; it is a constructive treason for men to meet and burn down all the brothels in the country, if they do so. The substance of all this is, for men to say there shall be no to-

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leration, no protection for property; we will have our own code, we will deprive the courts of law of their jurisdiction, the course of law shall be destruction and outrage, criminals shall not be tried according to the forms of British law and jurisprudence, we will take punishment into our own hands, we will rob the courts of their superiority, and the king of his regality, and clothe ourselves with the spoils. —Well, I am ready to be bound by the application of all this; but how is it to be applied in the present case? You have heard in this indictment of a conspiracy of these persons to levy war against the king, in order to compel him to change his measures: what measures have they demanded? What is it that they have required? Have they done any thing similar to the examples I have put? Have they demanded of the king or of the government, that a given act of parliament should be repealed? Have they demanded that a law which exists should be abolished, or that a law which does not exist shall be made? Have these men clothed themselves with any of those usurpations to which I have alluded? What have they actually done? What have they attempted to do? Therefore, when I state the examples by which I am willing to be bound, I must desire both the principle and the facts to be kept in view, in order to see what comparison can be made with the present case; but if they are kept in view, the facts themselves present a contrast so strong and apparent, that it is impossible to make it stronger or more apparent; I say so, because if I advert to the only witness who has been examined upon the subject—this wretched perjured man Castle—he has not stated that there was any particular object. What has he pretended to say the conspirators were to do? What demands were they to make on the government? They were to have a force; they were to have a riot and disturbance: all that I can understand; but what were they to do with it? How was it to be brought to bear against the state? How was any one part, or any one principle, or any one branch of the constitution to be superseded or suspended? No papers of any sort or description, are produced, unless it is that miserable scrap, called the C. P. S. and I do not know what it means; I suppose, however, it insinuates, that after these six persons had completely overthrown the empire, they were to surrender it into the hands of twelve or thirteen persons named in that paper. Now it is idle to compare this case with any of the examples I have mentioned; it is almost an affront to say that any of the examples apply. What were these men to do against the state? Castle has not ventured to say; he does not know what they were to do; he does not pretend to say what they were to do; and notwithstanding his examination took up nine hours, no man who heard it could possibly collect what the political plan was to be, nor what sort of a government we were to have. We heard enough of the blockade and barri-

cade of the west end of the town, from St. Giles's to Oxford-road, and from thence to Piccadilly: there was to be violence, but he does not tell us that any precise point was to be carried, or any precise thing was to be done, and therefore the insurrection was not to be for a distinct or definite object, within the examples I have mentioned.

I must beg leave to remind you, that the attorney-general begins, by alluding to these cases of insurrection to carry a particular point; but in the course of his argument he worked himself up at last to call this a flagrant civil war; such was his expression. Now this is a new view of the subject:—a general insurrection is a very different thing from a partial insurrection. The attorney-general says, the transactions of the 2nd of December constituted actual levying war against the king, in the shape of open insurrection and rebellion, or flagrant civil war.

Now let us look at this. I rather think the view I have taken of the subject is not quite erroneous; I think the attorney-general's speech (to which I gave every attention) does virtually admit that some of these treasons melt themselves into others; nay more, that these four treasons all melt themselves into the last, of open insurrection: So that, I apprehend, it is not meant to say, that there is any direct evidence, that the king was to be hurt or deposed from his kingly office, or compelled to change his measures, which are three of the treasons; but the whole comes to this, that the force used was *ipso facto* an open public insurrection, and you are to infer and presume all the rest.

I am myself anxious that your attention should be called to examine most minutely, and particularly, the whole proceedings of the 2nd of December, and that you should give its just weight and value to every circumstance which can, by possibility, come within the description of levying war against the crown. My defence consists in this very examination.

In the first place, permit me to say, there is one circumstance upon which my feelings are as sore as those of any man can be; there occurred an attempt to assassinate a gentleman in Mr. Beckwith's shop; but the evidence you have heard from Beckwith's clerk takes off some of the supposed malignity of that transaction; and my opinion is, that it was rather accident than malignity that led to it; but rating this delinquency as high as you like, it is a single and solitary instance of violence. It cannot be allowed to give a *general character* to this public insurrection, and it is in that character only that we must look at it. When we recollect, therefore, that this civil war was so bloodless; when we recollect how these insurgents were completely dissipated and dispersed, I own I should be, individually, disposed to treat that part of the subject rather more lightly than might be consistent with the gravity of a criminal court. Let us see, however, what the force was, what were its means, and what were

its acts: here are men, who set out from Spa-fields; they leave in the waggon their powder and shot; they have two flags and a banner; they have pistols and swords; they propose to go into the city; but, unfortunately, before they get there, this hostile army have the flag-staffs taken from two of the five generals, and that part of the rebel army is routed. Mr. Stafford routs the main division before it leaves the field; the rest penetrate into the city, and there a worthy alderman, sir James Shaw, alone puts to flight the rest of these insurgents: this is what the attorney-general has worked himself up to calling flagrant civil war. Now I think sir James Shaw has been very ill treated by the government: I have not heard that he has been made a peer, or received a pension, or a red ribbon; but I should have thought, that some favour might have been shown him for his eminent services in putting down this rebellion; and particularly because he did it quite alone and without assistance, civil or military.

As I am going through this part of the case, I must request you to attend to a principle of law, which it is very material to keep distinctly in view. I am ready to admit that a case was decided in the reign of Charles the First, the law of which has been always questionable; I mean Benstead's case, which I have already referred to. That was an attack of a mob on archbishop Laud's palace at Lambeth, for advising the king to dissolve his parliament; they threatened to tear the archbishop to pieces. Mr. Justice Foster does not consider that case to be law, as I should collect from that learned judge's account of it: he says, "it was decided in a season of great agitation," as undoubtedly it was. But I am indifferent whether it be law or not; supposing it, however, to be law, and that it is treason, or evidence of treason, to attack the person and house of a privy counsellor, in order to compel the king to change his measures; what ministers have these rioters threatened? Have they attacked the person of the lord mayor, or the magistracy of the city of London? Have they offered violence or insult to any magistrate? No—if, therefore, I shall be told, that to attack the person of a privy counsellor of the crown, is evidence of an insurrection, or one of the modes by which treason may be demonstrated (a principle of which Mr. Justice Foster seems to doubt, as every one must doubt of it, generally speaking), yet I have no objection, in the argument, to concede the principle. I have no objection to advert to such a supposed parallel as that, in order to show how inapplicable it is, to the case before us; and I trust you will do me the favour to keep that principle in your view, for the purpose of contrasting it with the whole character of these proceedings.

I own I am surprised that the lord mayor has not been called as a witness, if it was a popular insurrection. It was in the city that it broke out; the Bank of England too was to be attacked: the heat and force and pressure of the war were in the city of London, and yet the

lord mayor is not called as a witness. Why is the lord mayor not called? Is the attorney-general afraid to call him? He ought to call him—

Mr. Attorney General.—Pray do not say that.

Mr. Wetherell.—It is only an argument of mine.—If these civil battles were fought any where, it was within the jurisdiction of the chief magistrate, and he should have been here to tell us what he saw or knew upon the subject. The evidence of Mr. Alderman Shaw was given in a clear, manly, and distinct manner; he represented, that without struggle, force, or violence, the flag of the last of these rebel generals was taken, I should almost say put into his hands. The attorney-general afterwards thought it too ridiculous to call the lord mayor: I can refer it to no other reason; and yet it is to the city that your attention has been directed, to find out this ideal conspiracy, and this ideal extinction of the government.

We must next advert to a very serious overt act, one of the fourteen charged in the indictment—the attack on the Bank. But I really wish to put it just as Castle puts it: the barricade system was to be applied, the entrance to the Bank was to be choked up by its own books, and the king's troops were to be demolished with glass bottles. Now there is some fancy in this, and it is creditable to the gentlemen who drew the record. But it is description, and nothing else.

We must now go on to the attack upon the Tower. That is put upon the record, in order to bring into contact, as it were, the application of the force of these insurgents with some fortress of the king, in order to raise an idea that war has been levied against a fortress of the king, which is to be proof and evidence, if the fact were true, of levying war against the king. Now, when I look at what has been said on this subject, I think I should not show you the respect that is due to you, if I were to argue seriously, as a proposition of fact, the conspiring to attack, or the making an attack on the Tower; because, when I throw out of the case the fictions of Castle, to whom I think not the smallest credit can be given on any part of the subject, it is an idea in supposition only that any man will assert there was an intention to attack the Tower. How was the attack to be made? we have no explanation of any sort. How was it to be conducted? let us read the indictment, and then we shall understand how it was to be. These traitors went down to the Tower, and did, “with loud voice, address the king's soldiers then stationed in the Tower, and did invite them to open the Tower gates, and to admit the traitors withinside.”—This is the language of the record; and this is evidence of flagrant civil war. You will recollect, that half the force was cut up in Spa-fields by Mr. Stafford; the rest of the force fainted, if I

may use the expression, into the arms of sir James Shaw, and when the whole was annihilated, some man went down to the Tower, and with loud voice summoned it to surrender—not to a rebel army, but to himself alone. Now, if you lay out of the case the infamous perjuries of Castle, you will doubt the fact whether any person was there to summon the Tower? but supposing this idle and contemptible gasconade is to be weighed as a serious fact, do recollect that it is a complete military fortress, with a garrison, cannon, and a ditch sixty yards wide, and walls thirty yards high. Now to say, that a single man, raving against those walls, shall be evidence of a conspiracy to attack it, or of levying war against the crown, or of civil war and insurrection, is, what I think I ought not as an advocate to enlarge upon. But see what the whole of this comes to. I own I do not understand the two soldiers to say, that a surrender of the Tower was called for; it was an offer of one hundred guineas, as they say, made to them by some one individual: but supposing I mistake this, supposing it was an address made to these two soldiers for that purpose, will the crown contradict their own witnesses? will any one pretend to say that the two soldiers are not better evidence than Castle? He has stated to you, that the summons to the Tower was made by Thistlewood and Watson; that he heard Thistlewood and Watson both at the same time haranguing the soldiers, to surrender it into the hands of the mob, and that that address was made to fifty soldiers. Now I want no better evidence than the crown have themselves adduced by calling the two soldiers, who have completely annihilated the whole account of this man; the two soldiers contradict it so completely that they reduce it to a flat perjury; and the falsehood of what Castle has sworn against Thistlewood and Watson was so glaring, and so undoubted upon that occasion, that it seemed to make a deep impression on your minds at the moment, an impression which I have no doubt you still retain.

The idea of summoning the garrison of the Tower to surrender or open the Tower gates, unless it be connected with force or the application of force, is too contemptible to be talked of here; and this charge, therefore, of a conspiracy in order to get possession of the Tower, has just as many facts to support it as the plan for getting possession of the Bank.

Pursuing my review of the main features of the transactions of the 2nd of December, I must request you still to keep in view the definition of levying war. I want to find out where force was applied against the king; we must have this made out in some of the modes I have mentioned, for otherwise there was no war levied against the king. Now I wish to know what was done in Spa-fields—nothing; speeches from the two Watsons, of which we have had an account from Mr. Dowling, the short-hand writer, who could hear things which

other persons could not hear;* something which I think he is very ill-confirmed in; however, I will suppose these speeches were spoken. Pray was this war levied against the king in Spa-fields? There was indeed a war of words, consisting of the speeches and declamations of the men in the waggon, bad and violent if you like. If the witnesses in general are to be believed, they say they could not hear what passed, from the noise. You have from Mr. Dowling, the expression that the country had been too long ruled by kings and lords, and there is no other witness to this but Mr. Dowling, who stood in a situation not to be able to hear it; and I think he is unconfirmed. If these expressions were used, I would go along with any man in reprobating such a speech; but force and violence consist in doing something. I cannot find that in Spa-fields any one constable got a broken head; I find that one poor man was pushed down. Then we get into the city; now what was done in the city? Was the Bank attacked? No.—Was the Tower attacked? No.—The lord mayor attacked? No.—Was sir James Shaw attacked? No.—Was sir Nathaniel Conant attacked? No.—Was the city Marshal attacked? No.—I would allow Benstead's case, in argument, to be good law for a lord mayor or a constable. I would allow the idea of the superiority of the state, and the idea of the majesty of the crown descending to the person of the lowest executive servant of the crown, and the lowest agent of the magistracy. I would allow this constructive idea to be carried to any latitude of imagination. I would allow any person to be a representative of the state, whom fiction would designate in that character. But when I have allowed all this for the purposes of illustration, I want to know how war has been levied against the crown in the person of any of these characters. If I am told that there were arms, I wish to know against whom they were presented; there was a firing of guns in the air—a war against the atmosphere—a feu-de-joie, as one of the crown witnesses called it; and I was checked a little the other day for treating that ridiculously which no man of understanding would treat seriously and gravely.

I have already adverted to the attack on Mr. Platt, and I hope you will do me the justice to believe that I entertain proper feelings on that subject. I am no apologist for that affair; possibly the ideas of malignity which at first struck us on that unfortunate occurrence, may have been in some degree displaced, by considering the whole account which we have heard. With the exception of that gentleman's injury, it is not shewn either to have been done or meditated against the person of any man in London.

There is still another branch of these trans-

* Some useful remarks upon the value of the testimony of Newspaper reporters will be found in 6 Hans. Parl. Deb. New Series, 832.

actions which is said to be of a very important nature, and which certainly must not be passed over. The gunsmiths shops were broken open, and the mob armed themselves; one shop was Mr. Beckwith's; and there were I think three others in the Minorities. Now speaking of this as a civil outrage, it was a very violent one; you will observe, however, that they break open the houses not to injure the persons of the individuals, but to get arms. Now that this is levying war I deny: I have before stated the definition of levying war, and I request you to bear it in mind—the having arms, or the getting arms, or the arming is not enough. The *use and application* of arms or of force is an essential part of the definition; there must be an application of force to the attainment of some object, or the force must be coupled with some object or design. I should say, that if three hundred men marched along the streets with arms, unless that array is coupled with some treasonable object or design, the mere array itself would not be evidence of a treasonable conspiracy or design, though it would be a flagrant indignity to the state, and as gross a misdemeanor as could be imagined. The breaking open these shops, therefore, as the means of getting arms, does not carry the fact or the evidence of the destination of those arms against the king any further. The fact whether those arms were or were not treasonably applied after they were got, remains just the same.

As far as the mere outrage is concerned of breaking open the shops, it is a violence merely of a civil or private nature, and has no relation to the crown or the state. And I am perfectly certain, that no individual or private acts of violence of that sort, can, by any fiction, or upon any principle, or upon the authority or dictum of any lawyer, be represented as evidence of treason, or as a criterion of the use and application of force as against the crown, in order to satisfy the notion of levying war against the king.

I have now gone through the principle occurrences of the 2nd December, in order that you might apply them in every possible way, and bring them within any of the principles I have mentioned of war levied against the king, personally or constructively and interpretatively. Force, as force, unless applied actively and instrumentally in some of the modes I have mentioned, never was treason according to the statute of Edward, and never can be consistently with the rules of the law of England.

Now, where is this civil war? where did it begin? In Spa-fields; what was done there? In the city; what was done there? At the Tower; what was done there? Where was this force brought into action? can you find it out? can any man find it out?

The attorney-general, at the close of his address, called on me to explain these transactions, and I understood him to say, "If you cannot, I shall conclude this to be levying war

against the crown; you must explain what you mean, otherwise my construction will be adopted. I choose to call this a civil war and insurrection. I choose to say, that these disturbances constitute an attack upon the king, or constitute an attack upon the state; and unless you can satisfy me what you meant by these disturbances, I shall infer a treason." Now I think that was pretty much the substance of the argument; but I beg leave to say, I deny that to be the law. If you ask me privately what these men meant, you will give me credit for returning a fair answer; I could not dispute they meant to make a riot, and a very great riot. Out of this Court, I might say what I thought on it; but in this Court, I am obliged to say nothing about it.

I must state to you, upon the authority of lord Coke, that proof little short of demonstration is absolutely necessary to establish a charge of high treason. He has given a commentary on the clause in the statute of Edward, which requires that the party accused "be provably attainted by open deed, by men of his condition." I will read to you the commentary; he says: "In this branch, four things are to be observed; first, this word provably, that is, upon direct and manifest proof, not upon conjectural presumptions, or inferences, or strains of wit, but upon good and sufficient proof. And herein the adverb provably, hath a great force, and signifieth a direct and plain proof, which word the king, the lords, and commons in parliament, did use, for that the offence was so heinous, and was so heavily and severely punished, as none other the like; and therefore the offender must provably be attainted, which words are as forcible as upon direct and manifest proof.—Note, the word is not probably, for then *commune argumentum* might have served, but the word is provably be attainted."

Then he goes on to explain the meaning of the words, open deed; and he says, "this doth also strengthen the former exposition of the word, provably, that it must be provably by an open act, which must be manifestly proved;" here you have the words, manifest proof, direct and plain proof, and provably by open deed. "Now," says the attorney-general, "here has been a great outrage; tell me what you mean by this; and if you do not satisfy me what you mean, I shall conclude you meant to kill the king, and overturn the state,"—I deny that to be law; I oppose to it the authority of my lord Coke.—Says the attorney-general, "I will infer and conjecture, you meant by all this to overturn the state." Now what is the evidence about overturning the state? What is the evidence of intention to kill the king? what is the evidence of the new government we were to have? what is the evidence of compelling the repeal of a law or the change of any measure of the government? Is there evidence of any of these purposes, or to connect force with those purposes? No.—But says the attorney-general, unless you can explain what you were

about, I shall infer all this. Now if this be the rule of evidence, what becomes of the language of the statute which says, "that a man shall be provably attainted?" what becomes of lord Coke's definition of open deeds and proofs? Have we manifest proof? manifest proof of what? what is it that they have done? what did they attempt to do? what did they say they would do? what has any verbal or written evidence ascribed to them that they meant to do? But, says the attorney-general I shall conjecture this, that by arms you meant to overturn the state; and the outrages in the city are sufficient for all this. Now, if this be so, the evidence of open deeds and proofs is no longer necessary; and all the cases are no longer law, for all the cases of constructive levying of war require some distinct thing to be proposed to be done, and actually to be done. It is not levying war against the king to intend to burn down meeting-houses, but to do it is; it is no levying war against the king to intend to burn down houses of ill fame, but to do it is; it is no levying war against the king to intend to throw down all inclosures, but to do it is. The intention, followed by the fact, is evidence of the levying war. But what has been actually done here? I want to find out some act of force or aggression, upon the state, as evidence of a conspiracy to overturn the state. I want to find out the attack upon the state, because I am told, that war has been levied against the state.

Upon this part of the subject I feel that here I ought not to trespass longer on your time; because, having extracted all the cases from the State Trials, I have before given you an enumeration of them as they occur in the reigns of Henry the eighth, Charles the first, Charles the second, queen Anne, and so on down to lord George Gordon's case, in order that you might have an historical chain of all the cases of constructive levying war against the king; and I call upon the solicitor-general to add any thing to this catalogue. But I am certain that industry can add nothing to it; I assert, that the existence of mere force, as force, is not a levying war against the king, but that it must be directly levelled against the person of the king or his safety, or some law of the kingdom, or some branch or function of the prerogative or government of the king, or, as lord Mansfield expressed it, against the majesty of the king. "Well, but," says the attorney-general, "this is flagrant civil war and rebellion." So that not being able to prove an inferior case, he assumes a stronger case; he cannot prove that they meant to carry any particular measure, but he says, "I will prove more: here is no evidence that they demanded one particular thing, or attacked one magistrate, one lord mayor, or one privy counsellor; the weaker treason does not exist; but there is evidence of a larger treason." This is in effect to say, I do not know to what object they meant to apply their attack; not being able to prove what is little, I will infer what is

large; not being able to prove that you meant to abolish a particular part of the state, a particular law or function of the government, we will cut the matter short, and infer the whole against you at once. Now, I insist that this is the fallacy of the case, that because they cannot prove one particular thing, they withdraw our attention from the proof of any particular thing; and they say, in effect, we cannot prove a particular object, and therefore, we will infer the proof of all objects. Now, this is one mode of abolishing the principles and rules of evidence as laid down in all the cases.

The attorney-general insists upon having it inferred, that they meant to overturn all the state at once. To repel such an inference, I called your attention before to what I beg leave to repeat; that if this force had been combined with other societies, such as existed in this country in 1793, and could have been shown to be the agent of those societies, and to be co-operating with them, as part of the same system, you would be able to apply the existence of this force to some credible object, which might reasonably be said to be proof of an intention to levy war against the state; but you have no declared object, which these men meant to attain, or could attain of a public nature. But the argument of to-day is,—that you need not have any proof; the prisoners did not explain what they meant; and therefore it is to be inferred, they meant to overturn the state. The attorney-general cannot show a particular measure they meant to carry; and therefore, the force is magnified into the most offensive mode in which a force can exist; and it is inferred to be a general insurrection, and a flagrant civil war in the community. Now, I do say, that to argue in that manner is to forget the definition of levying war against the king; it is to forget the language of the statute; it is directly to leave to conjecture and presumption, what the law says shall be made the subject of manifest proof. But what a strange sort of conjecture and presumption is this! the first conjecture and presumption is, that these six conspirators went forth to overturn the whole state, then they break open the gunsmiths shops, because they intended to overturn the state. And the whole argument turns in a circle of that kind. The record is a mass of confusion, and I think the reasoning not much better.

You will have the goodness to bear in mind the legal definition of treason, and that the fact of it must be made out by manifest proof. It is not enough to ask a man, whether he did not mean mischief; if I should say he did, that is not a case of treason.

There is no difficulty in deciding to what class the delinquency of these men belongs. If you should ask how they are to be punished, you are very well aware, I am sure, how they are to be dealt with. I shall satisfy you, that by the law of England an admitted and notorious distinction has existed from very ancient times, between a tumultuous, nay, a "*rebellious*

riot," and treason. Riot as riot, and tumult as tumult, though attended by ten times more outrage than has happened on this occasion form a separate species of delinquency. A riot is indefinite in its objects; but treason, must be coupled with a distinct design. Treason is to meditate destruction to the person of the king; it is to suppress some law, or to usurp some function of government. Treason must aim some direct attack on the state, or on some constituent part of the state. But if a treasonable project is absent, mischief and destruction alone can never be treason.

Since the Revolution, and even long before, the most marked and undoubted lines of distinction have existed on this subject. Riots and outrages, which may have the appearance and attitude, and even in some respects the characteristics of hostility against the state, cannot be classed with treason; because they are not marked with that distinct and undoubted character which constitutes treason; and the fallacy of the argument here is this, they cannot prove any particular object. But they conclude that there must be a treason, because there has been violence and tumult; and this they call levying war against the king. Now I deny that to be law; and I would call on my learned friends to mention a case, either before or since the Revolution, in which such a principle is to be met with.

I have said that there may exist what is known to the law under the name of "a rebellious riot," and yet no treason. Now I will give my authorities for the support of that proposition. In the reign of Edward the sixth a statute was passed, by which it was made treason "for twelve persons or above, being assembled together, to attempt to kill or imprison any of the king's council, or to alter any laws, and to continue together by the space of an hour, being commanded by justice of peace, mayor, sheriff, &c. to return." Here you will observe is the precise resemblance of the modern Riot act. By this statute (3^d and 4th Edward 6, c. 5), this species of offence, which had not been described by ancient statute of Edward the third, was, for the first time, raised up into the scale of treason. Popular tumults of a very dangerous description had broken out from a feeling in favour of the popish religion. Upon the death of Edward the sixth this statute fell to the ground; but the same species of offence was made a felony in the reign of queen Mary, and again made a felony in the reign of queen Elizabeth. I will read to you a passage from lord Hale's treatise to satisfy you that I am correct. Speaking of the statute of Edward the sixth, he says, "this act being made in a great measure for the support of the reformed religion, under Edward sixth, was, as to all points of treason therein contained, repealed by 1 Mary, cap. 1; but in effect the very same offences were enacted felonies, within clergy, by 1 Mary, session 2, cap. 12. which was to continue to the end of the next parliament;

and after the death of queen Mary, was re-enacted by 1 Elizabeth, cap. 16, to continue during her life, and till the end of the next session after her death, but then expired." Then lord Hale makes a remark, which I hope you will allow me to recommend to your most earnest attention; he says this, "that which I would observe upon this act, is this, how careful they were in this time, not to be over hasty in introducing constructive treasons, and to show how the opinions of the parliaments of Edward the sixth, queen Mary, and queen Elizabeth went as to the point of constructive treason: and how careful they were, not to go far in extending the statute of 25 Edward third." As far back, therefore, as the time of Edward the sixth, undefined riots and tumults, though attended with force and violence, were not levying war within the statute of Edward third. Now I will call your attention to a very remarkable expression which occurs in the statute of queen Elizabeth. It is declared to be an act "against unlawful and rebellious assemblies." Now mark that word "rebellious." This statute of queen Elizabeth fell to the ground upon her death; and from that period to the time of George the first, there existed no statute to make popular outrages and disturbances even a felony, for the statute of Elizabeth had never been revived. But upon the accession of George the first, there was a very strong and violent party in this country, who were disposed to assert the right of a pretender to the crown; and it became necessary to put down those dangerous proceedings which threatened the tranquillity of the kingdom, and to revive the principle of the statutes of Edward the sixth, queen Mary and queen Elizabeth, which had originally applied to the subject of religion; and this led to the passing the Riot act, with which you are so well acquainted, and the terms of which I will presently state. Now I will stake my credit as a lawyer for the accuracy of my statement—and that my view is the view every lawyer has taken. I assert that an undefined riot falls within the reach of the Riot act, and not within the reach of the statute of treasons; and the distinction between the one and the other is, that a riot may be attended with the greatest mischief and audacity; but you must fasten on it one of the precise denominations or characters I have alluded to, otherwise it is *an undefined riot*, and not the *specific* offence of treason. This is not my argument merely, but it is the language of the law itself, and in proof of it I will read the statute; the title of it is, "An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters." The preamble is in these words, "Whereas of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his majesty's person and government; and the same are yet continued and fomented by persons disaffected to his majesty, presuming so to do, for that the

punishments provided by the laws now in being are not adequate to such heinous offences; and by such rioters, his majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions and to alienate the affections of the people from his majesty." The act then proceeds, as you well know, to authorise the magistrate to disperse the mob. And it is made death if they do not disperse within an hour; not only this, but it is made death, if any man knows that a magistrate is prevented from reading the act, to continue in a riotous meeting. Do you observe these terms, how strongly descriptive they are of tumultuary popular violence, armed even to such a degree as to threaten the authority of the state? You have not only the words "rebellious Riots," which occur in the statute of Elizabeth, but you have the expressions "danger to his majesty's person and government." This surely imports violence to a pretty alarming extent. The very same idea may be collected from sir William Blackstone's remarks. In reviewing the Riot act, he says it was made in order to support the "Act of Settlement," alluding to the act for the limitation of the crown to the illustrious ancestors of his majesty. Now you would say, perhaps, that the Act of Settlement could only be affected by treason. No such thing; the Riot act has contemplated those undefined elements of disturbance, contained in a riot, which have not assumed the shape of treason; and I shall presently speak of the disturbances in the city of London in the year 1715, which had not assumed the shape of treason.

I am afraid that I am fatiguing you on this subject; I do not look into any book in which my argument is not supported; it is, indeed, not my personal argument. You might suspect me, as an advocate, of framing propositions and principles adapted to the case now before you. It is for that reason that I trouble you with my authorities illustrating the principle of the Riot act. Every writer has laid down the same proposition I lay down. Mr. Reeves, in his very valuable history of the laws of England, alludes to the statutes of Edward the sixth, and queen Mary, as furnishing the model of this modern law.

I cannot fail here also to recommend to your attention the remarks of a writer of great talents, and of as accurate judgment and learning as any we have lately seen: I allude to the late lord Auckland, once an ornament of the bar, and who afterwards filled some very high situations of diplomacy. He has reviewed the subject of constructive treason; and after going through the examples which I have mentioned, of opening prisons and throwing down all inclosures, with an armed force, and the other cases of that kind, concludes with this observation: "As to the other enormities above-mentioned, the constitution hath certainly entrusted the first and proper exertion for the redress of grievances to the high court of parliament; yet, to the eye of humanity, it

will appear doubtful whether certain offences have not occasionally received the hard denomination of rebellion, which might more properly have been punished as trespasses, misdemeanors and riots.*" This eminent writer is of opinion, that the catalogue of constructive treasons has gone too far already. But I do not carry my argument to that length. I do not here question or infringe upon any one rule which has been laid down in any one decided case coming within that rule; I only assert, that it is illegal to extend construction any further.

Now, am I founded or not in what I have stated to you, that the description of popular outrage, marked by the phrase "rebellious riots," forms a class of cases essentially and completely distinct from the idea of war against the king; a species of outrage and delinquency high indeed and considerable in its character, punishable by death, but a delinquency which it is the confusion of all terms to call flagrant rebellion and civil war? Have I not shown to you, that there may be tumults which tend to alienate the affections of the people from the king, which raise divisions among the people, which may even endanger the government and the person of the king—for these words are not my words, but the words of the law itself—and yet, formidable as these things seem to be, they are totally out of the pale of treason?

I will assert it as a lawyer, that if the doctrines I have heard, when I connect them with the real nature and character of the Spa-fields meeting of the 2nd of December, shall be sanctioned, they will amount to a repeal of the Riot act; there can no longer exist a riot, either in fact or in law. Is that well argued, or is it not? The gentlemen must not tell you, that if the mob had not been put down within four hours after it met; that if it had gone on to the 3rd, the 4th, the 5th of December; that if nothing had happened to check it, it would have become larger in numbers and bolder in its objects; that it would in time have become strong enough to begin an attack on the state, that it would have ripened into a treason, and would have ended in complete rebellion. If they say all this, it is to say that Saturday is the same as Monday; that future and present are the same; the beginning and the conclusion are the same. This is one of those fallacies which, I think, runs through the whole of this case; it is to forget the distinction between the tendency to a thing, and the thing itself.

Having stated to you the history and the language of the law on this subject, let us next see what the practice has been. The history of the practice will be found to correspond with the history of the law. The proposition of law which I contend for, is confirmed by invariable practice. If I am wrong in that, I call for precedents to contradict me.

It is, indeed, impossible to give a regular

series and detail of all the popular tumults which have occurred in this country within the last century; a memorial of these things is not always kept, and the facts are imperfectly recollected; but riots infinitely worse and more dangerous than the Spa-fields riot, undoubtedly have taken place, which were not attempted to be made treason. I will mention one of a remarkable nature, which happened in the year 1715, about a year after the death of queen Anne. There was, at that time, a very active party, whose wishes were in favour of the Pretender, in opposition to the title of the illustrious House of Brunswick, which has now for a century, and, I trust, will for ever reign among us; and there prevailed a great ferment and disturbance in London. The character of these transactions is described by Dr. Smollett in his history, a passage of which I will read to you; he says, "The spirit of discontent and disaffection seemed to gain ground every day in England. Notwithstanding proclamations against riots, and orders of the justices for maintaining the peace, repeated tumults were raised by the malcontents in the cities of London and Westminster. Those who celebrated the anniversary of the king's birth-day with the usual marks of joy and festivity, were insulted by the populace; but next day, which was the anniversary of the Restoration, the whole city was lighted up with bonfires and illuminations, and echoed with the sound of mirth and tumultuous rejoicing. The people even obliged the life-guards, who patrolled through the streets, to join in the cry of the High Church and Ormond; and in Smithfield they burned a picture of king William. Thirty persons were imprisoned for being concerned in these riots; one Bournois, a schoolmaster, who affirmed that king George had no right to the crown, was tried, and scourged through the city with such severity, that in a few days he expired in the utmost torture."⁷ Do observe what was passing in the minds and wishes of the people engaged in these daring tumults—they publicly burnt king William's picture, which you know was emblematically and figuratively the burning of the king's title to the throne; for the title of the illustrious house of Brunswick was the same as that of king William. The malcontents had not three or four yards of tri-colour ribbon, as the Spa-fields people had; but they had tri-colour ribbon in abundance, in the shape of illuminations and bonfires. At this time men of the highest spirit and firmness were in his majesty's councils. Lord Cowper, Sir Joseph Jekyll, and the Attorney General Northey. Now this was an occasion on which one would say, why here is an opportunity to try whether a constructive and interpretative treason may not be raised out of these transactions. But the attempt was not made. Some of the features of these riots were surely as bad as could be, and the whole character of them was formidable enough.

* Principles of Penal Law, chap. 14, § 3.

⁷ Smollett's Hist. of Eng. book 2, ch. 1, § 14.

I solemnly aver, on my credit as a lawyer, and on my accuracy and diligence in looking into the annals of domestic occurrences, that such disturbances as occurred on the 2nd of December never were attempted to be characterized by the denomination of treason, not only not since, but not before the Revolution. And I have stated why, namely, because such things have belonged to a different scale of offence ever since queen Elizabeth's time, a period not favourable for allowing a larger to pass off as a minor delinquency.

Tracing the history of this subject let us come down to our own times. We all of us recollect the Birmingham riots, in 1791. If the Spa-fields riots were a civil war, suffer me to ask what the attorney-general will call the Birmingham riots; let us just see what happened at Birmingham. The houses of his Majesty's subjects, the Dissenters, who were supposed not to be very friendly to government, were burnt down—the house of Dr. Priestley was burnt down—and the houses of several opulent manufacturers were destroyed or burnt down; they were driven from their houses, their furniture and property were destroyed. I believe also (and I am sure I wish to be correct) that some meeting-houses were burnt down; there was damage done twenty times greater than here. Did the attorney-general of that day adopt the law of the present attorney-general? did he call it flagrant civil war? No. Was there a prosecution for treason? No; and I assert here as a fact, that the outrages committed were ten times greater than the present; there was in that case a very strong feature of resemblance to the case of 1709, in Queen Anne's time, when the Dissenters' meeting-houses in London were burnt down, because it was meant as an attack upon a particular class of persons, namely, the class of Dissenters in Birmingham. Dr. Priestley, a man of great eminence and science, was an opponent of the government, he had made himself offensive by his political works. I recollect when I was a young man, at the university, that the valuable classical library of Dr. Parr was sent to be kept within the cloisters of the college I was at, because he was afraid that his books were about to share the same fate. Will the present attorney-general say that the attorney-general of that time did not do his duty? If it was treason, ill did he conduct himself in not prosecuting. No, gentlemen, there was no prosecution for treason. But in the motive and purpose of the insurgents who were concerned in those outrages, there was much more of criminality and of malignity, and an incomparably larger amount of mischief than I can discover on the 2nd of December. But do you see the dilemma in which the attorney-general of 1817 is putting the attorney-general of 1791, if a mob of church and king rioters are not to be considered as traitors, and these miserable men are to be made traitors? Will you suffer, while you have pulsation in your veins, that the tyrannical out-

rages of the Birmingham rioters shall be called riots, and that the rioters of Spa-fields shall be called traitors? If that is addressed to you and if it has been addressed to you with effect—

Mr. Attorney General.—Not by me.

Mr. Wetherell. —Certainly not in any thing you have said; I am not arguing from the words you have used, but from the necessary resemblance of things I assert, that upon every scale by which delinquency can be tried, the riots in 1791 were immeasurably more delinquent than the riots of last winter. Why was not that treason? Perhaps it will be answered, because community of purpose and distinctness of design could not be made out. Perhaps it may be said, that there was not evidence that all the meeting-houses and the houses of all the Dissenters were to be burnt down, and therefore it would not come within the principle of the case of 1709, and that a treasonable design could not be made out by proof, and that you had no right to infer it. Why this is just the kind of inference I am contending against throughout the whole of this case.

Consistency and uniformity must be maintained; there is no justice without it. And I would appeal to your own discernment to say, whether, if these unfortunate men are convicted in this trial, and a second Birmingham riot should chance to occur, a similar conviction must not follow as an unavoidable consequence.

Two years ago, as every one of you must have seen, there were riots in this country, in which the house of every peer and every member of parliament who supported the Corn Bill was attacked. Here was something like a community of purpose to compel the repeal of that law. There was a feature of resemblance to the case of 1709: the house of the Lord Chancellor and other cabinet ministers were broken open; the Lord Chief Justice was threatened; a man was shot by the soldiers in protecting Mr. Robinson's house; and the military were obliged to parade the streets for several days. This was a great insult and indignity offered to the legislature in the persons of every member who belonged to it; and their lives were threatened. The attorney-general did not indict for treason? No; but upon the doctrines of to-day, why did he not do so? There were undoubtedly many facts of outrage, and why not construe and presume as you are called upon to construe and presume to-day? Why not interpret all this into a deliberate plan and treasonable conspiracy to intimidate and over-awe the Parliament, and by violence and force to usurp upon it, in order to compel the repeal of a law?

The law must be preserved *in toto*, or it cannot be preserved at all. Who shall decide the amount of outrage which is to constitute a treason? Will the gentlemen tell me their own limits? Will you open the compasses one inch or six inches, or what scale and division will you make? You cannot make the

measure larger or smaller as you choose; and if once the principle is laid down, that a Jury in this country shall ever give up the sacred definition of the statute of treasons, and shall enhance and magnify into levying war against the king a vague tumult like this, the calamity will be endless; you will unstring your own nerves, and drain the vital fluid from your own veins; you will give up the best safe-guard of the liberties of the people, which, if once gone, will never return; if once gone, it is gone irremediably and for ever.

The protection we derive from a known and invariable rule in the law of treason was no work of a moment. The statute of Edward did indeed give that rule; but when it had been given, it was soon lost; and for upwards of three centuries afterwards no man knew when he was safe. In Henry the eighth's time, words were treason; and to-day, a speech, containing violent and offensive expressions, has been imputed as a treason. Let us take care how we go on. It may by-and-by lead to re-institute the whole system that has been swept down, the demolition of which was not finally effected till the Revolution.

If the present state of the country is such, that dangers grow upon us; if the evil of the times must be met with the remedies adapted to the times; let us go to work like men, justly and constitutionally. If the state of the country is so bad, that the suspension of the Habeas Corpus Act is not enough, and more must be done for its safety, let more be done; but let it be done legally. If a law is wanted to make such transactions as happened on the second of December, treason, let such law be made. But a legislative verdict is, to confuse legislation with jurisprudence, and to pass an Act of Parliament in a court of justice. If further severities are requisite, if we must enlarge and amplify constructive treason, be it so; but let this be done with authority, and not without authority; I say this upon all general principles. But it is very remarkable, that the original statute of Edward contains a clause on the subject of new treasons, which I beg to press on your attention. It says, "and because that many other cases of like treason may happen in time to come, which a man cannot think, nor declare at this present time, it is accorded, that if any other case supposed treason, which is not above specified, doth happen a-new before any justices, the justices shall tarry, without going to judgment of treason, till the cause be showed before the King and his Parliament, whether it ought to be judged treason or other felony." The framers of that statute presume, that possibilities might require new treasons to be created. But they say, you must in that event resort to the legislature. And in point of fact, in our own time, by the act of 1795, some new treasons were enacted, and amongst others, the conspiring by force to over-awe the Parliament; so I say here, if the disposition of the people at the present moment is become so hostile to

the state, as to endanger it, let the legislature interfere; but let us observe the law as it is till the law which is has been constitutionally altered; and let the Parliament declare prospectively, that every riot shall be a treason.

I hope you will excuse me in reviewing this important subject so largely. I certainly did not know, when I consented to be placed in the situation in which I now stand, that there was imposed on me the perilous responsibility in which I afterwards found I was involved. I have been since told, that the substantial issue in this case is, whether the distinction shall be beat down between proceedings under the riot act, and the statute of treasons. I have been told so; and I assert on the history, the precedents, and the practice of the law, that it is so. In no time, upon no occasion, by no attorney-general, was the attempt made, which is at issue in this prosecution, to characterize such transactions as treasonable. Possibly I may be told, that such a precise case as this has not occurred before. It may be so; but cases like it have occurred as far as two cases can be alike. You cannot have identity of circumstances; identity of principle can be the only feature of resemblance; there cannot be a precise precedent for a riot. But I must say, that I think the Birmingham riots ten times more flagitious than these. If precedents are to be considered, you must weigh the effect of your verdict, as it will become a precedent for future imitation. You will look forward to the consequences and results; consequences infinitely more important to the public at large, than the immediate effect of the verdict to the prisoner. If this be a rebellion and civil war, another attorney-general will tell you, that breaking one gunsmith's shop is a civil war; another will tell you, that having flags alone is civil war, without breaking into any man's shop. The civil war will depend entirely on the arbitrium of the attorney-general; if you open the door, the attorney-general will open it as much wider as he likes; there will be no shutting it again. And there may be times, when there may not be such moderation and such honour and integrity in the administration of the law as prevail at present. If you annihilate the boundaries between the two classes of cases, if you amalgamate the elements of treason and riot, they never can be separated again by any human judgment; but why do this in a case of treason? why give way to an attempt to extend the treason law? Is not the whole of our law a system of moral distinction, and of technical distinction, which assort one set of things to one principle, and another to another? Is not manslaughter a different thing from murder? Have you not felonies of one kind, and felonies of another? Are not misdemeanor and trespass put below felony? Is it not the rule of the whole, to contradiistinguish and divide, and to trace out the smallest differences with microscopic minuteness? Why is treason then to be made evanescent, and lost in undefined latitudes?

I am afraid that I intrude too much upon you; but you will recollect the importance of the occasion; I have given you my authorities, I have laid before you my history, and I will add a pledge, derived from much research and repeated consideration of the laws of this country and its constitution (and I will yield in investigation to no man). I will say, that the attempt of this trial is, to disregard a fundamental rule of the law, and to mingle things which have ever been kept separate, and which ever must remain separate, as long as the liberties of the country remain.

I have hitherto adverted to the practice of former times; I come now to the practice of our own. Are you aware that the transactions now charged as a treason, were once, by the attorney-general, characterised as a misdemeanor? Do you know that a bill of indictment was preferred by the crown against the conspirators upon the very same transactions, for a riot? Where are we? are we got to this pass that the attorney-general can take up and put down the treason act as he pleases; that the same thing can be misdemeanor at Hicks's Hall, felony at the Old Bailey, and treason in the King's Bench.† How extraordinary it is, that the same identical case should have this shifting and varying character; but so the truth is. One unfortunate man underwent the sentence of the law at the Old Bailey,* one of these conspirators, Hooper (what a distressing alternative the country is put to) was tried for felony, in stealing arms from Mr. Beckwith's shop; but if it were treason, it is no taking as felony but as treason.

Lord *Ellenborough*.—A felony may be committed in the prosecution of a treason. I interrupt you, for fear there should be a misapprehension.

Mr. *Wetherell*.—My Lord, that is not my way of putting it; but all the facts that are known now were known then.

Mr. *Attorney General*.—That is not true.

Mr. Justice *Abbott*.—It is impossible, Mr. *Wetherell*, that you can know that.

Mr. *Attorney General*.—My learned friend is stating that which he cannot know, and is casting an odium upon me which I cannot submit to; as far as he chuses to argue or misrepresent my arguments, I say nothing.

Mr. *Wetherell*.—It is impossible for me to give the precise date when every thing came to the knowledge of government, but all external circumstances were known within a fortnight; the short-hand writer's note of the treasonable speech was handed over the morning after the second of December to the Under Secretary of State; the attack on Mr. Beckwith's shop was known immediately after-

wards; so was the breaking open the shops in the Minories; so was the seizing the flag at the Exchange by Mr. Alderman Shaw; so was the taking the other flags and banners in Spaulfields. I say, most of the external facts and circumstances were known within twenty-four hours afterwards. There was next at the lord mayor's house an examination for a fortnight, which completed the discovery of the whole; but there was one person not yet discovered; they had not found out Mr. Castle; all things which other witnesses could prove were found out; all the plain matters of fact had been seen, and were known and heard of, and understood, and established, and proved, and investigated in private and in public, in courts of law and out of courts of law; every thing was known, but the person of Mr. Castle had not yet made its appearance. Gentlemen, will you suffer the judicature of an English Court—will you suffer the purity of British jurisprudence to depend upon the credit of that indescribable villain?—will you add to the blood-money which he has earned?—will you encourage the trade and merchandize of a man who lives on blood?—will you, the guardians and protectors of British law, of that integrity, that honour and truth which have run in British veins for centuries—and when they cease Great Britain will be no more—will you suffer death to be dealt out by him as he chooses?—will you suffer four human victims to be sacrificed on the testimony of that indescribable villain? But if you suffer it, I must add, will the British public suffer it?—will the people permit it?—will they tolerate or endure it? I assert that every thing was known about these transactions, excepting the person of Castle, within a very short period afterwards; I assert it as a man of truth. You know it is so, and indeed it is proved to be so. Now let us see how this case, which was a misdemeanor till he came to light, is to be changed into treason when he was brought to light. He is brought to do what?—why he is to state every thing to you to constitute what is called a plot; every thing which is an intention to overturn the government; every thing which is evidence of a treasonable plot; every thing to constitute the vitality of treason is to depend on his testimony; and I am willing to stand or fall, I am willing that this man's fate shall depend on such credit and authority as you shall ascribe to the character of the man Castle. It is for that purpose I wish, without troubling you with minute circumstances or details, to look in the broad and wholesale to his credibility. I shall be told that an accomplice may be confirmed, and that a man who is confirmed in stating a treason, though he is a traitor himself, may be believed in things where he is confirmed, though not where he is not confirmed.* Now let us apply this principle

* *Vide* Ann. Reg. for 1817, Chron. p. 4.

† *Vide* New Ann. Reg. for 1817, Principal Occurrences, p. 10.

* See as to this proposition 1 Phil. Ev. 42, 5th edit.: and the authorities there cited. See also 13 Hans. Parl. Deb. 29, 64, 172, 304,

to Castle, and you will find there is no one material part of the case to be made out, in order to raise it up to the character and definition of treason, which does not want to be confirmed. In the first place, you have heard from the opening of the attorney-general, that there were two successive plans of treason; one plan was given up upon the 2nd of December—a plan which is too ridiculous to be reasoned upon seriously.

Mr. Justice *Barley*.—You are wrong in the date—the 15th of November.

Mr. *Wetherell*.—I am obliged to your lordship for setting me right in the date; it was the 15th of November.—Castle's own words were, that the plan was abandoned for the present, giving as a reason, that the people were not ripe for that disturbance; but I should say (and it struck me at the time) how does it happen that they were more ripe for this rebellion towards the Tower and the east end of London? The first rebellion was, to barricade the west end of the town, which was to be conducted by the coal-heavers and hackney coachmen. It was to commence at half-past twelve at night, the walls and pallasadoes of gentlemen's houses in Piccadilly were to be removed, to stop the turnpike gates; the soldiers were to be smothered to death. Is it not futile and puerile to argue this? But the gentlemen say, no; you must explain all this; it has been proved by Castle, and we have confirmed him; the confirmation is, the hiring Mr. Cosser's house, and the conversation between the prisoner and Castle, near the barracks. I suppose that was referred to, but Castle may have prevailed upon this young man to take the house. The bawdy-house bully, who does not know his own age, is the only man who pretends to say, that the house was to be hired for the purpose of keeping combustibles; not a word or a syllable is stated about combustibles, except by Castle, a man whom you find lying all over the town; there is no house he goes to, where he does not tell a lie. You have smiled; and if I may conjecture what passes upon your minds, you have indicated throughout the value you put on his evidence. Wherever he travels, a lie accompanies him, as the accessory follows the principal. With scandalous falsehood he told you, that he heard Thistlewood and the elder Watson harangue fifty soldiers on the Tower wall; the two soldiers themselves say there were only two: so that there is a lie, as, between fifty and two—a pretty sample of a lie. Castle tells you, that both the prisoner and Thistlewood made the speeches to the soldiers; but the soldiers say, that one person only spoke to them. Pray who are the best judges, the soldiers or Mr. Castle? Now this is a sample of what Castle is by himself, and it is a strange sort of confirmation. There is no doubt that he is confirmed in the circumstance, that

these parties were together at different places and times. But how does this prove the conspiracy, or the objects of it? I do not dispute their being together at particular places and times; that is the sort of confirmation Castle has received; that is no confirmation of a treason. What confirmation is there of this puerile and ridiculous plot? They have also called a witness to prove that Watson and he went to see the barracks, and the witness says, they walked near the place; and I think he says there was some dispute. I should suppose this was the dispute—that the bawdy-house bully wanted to induce Watson to think the barracks could be burnt down, and the soldiers stifled with the stench of the combustibles. That is my speculation. What was the quarrel; was it this, that Castle was persuading Watson it was possible? or that Dr. Watson was persuading him that it was not possible? Now these are literally the only two circumstances which any man's conjecture or imagination would point out to be what is called a confirmation of the first imputed plot; a plot for raising a flagrant civil war, and overthrowing the whole government, and making a revolution with hackney coaches and hackney coachmen, and an army of drunken men, picked up at midnight, by smothering the soldiers, and carrying on a land blockade all round London. It appeared to me, that the naval part of the blockade was not complete, and I asked Castle, how he was to stop the artillery coming up the river; Oh! that is very easily done. My learned friend, Mr. Gurney, though he did not lead the witness, certainly conducted him pretty skillfully through his blockade of London. But my learned friend did not touch on the naval part of the blockade; that he left for me. Now the naval blockade consisted in taking the ships in the river; but that was not enough. They were then to go and take the navy of Great Britain. All this civil war was to be conducted by six generals, one of whom cannot ride on horseback, another of them walks very lamely. Gentlemen, when the life of a man is at stake, the case becomes too serious to laugh at. I was called to order the other day, for laughing a little when the witness described the firing as being a *feu de joie*; the only war was cramming up powder to the muzzle, and firing buttons off. I have had occasion since to hold up my hands throughout the whole course of the examination of the witnesses of the crown. I have had occasion to say, these are falsehoods not to be addressed to the sense of any man; these are preposterous things, by which truth is blasphemed. The first plan is the most lamentable fiction ever heard of; but if the first plan is fictitious, what becomes of the second? I put it to you, as men of honour, to say, whether any one of you can give credit to such a plan for a moment. I am not denying that the parties may have had a disposition to tumult; you may suspect them of what you like. I deny the attorney-general's law; I am not bound to give any explanation; he is to make

406, and particularly the speech of Mr. Windham, *ibid.* 497.

out the charge. Conjecture may very easily attribute a character to these things, and it may assign to them an intention to make a riot.

Well, gentlemen, will you credit him in the second treasonable story, if the first is false? is there a living man in court, who will suffer his judgment to be mocked by the supposition, that the first plan was a plan for a revolution and a civil war? just the same is the truth of the second plan; he contradicts himself, and so it turns out always; if you will confront him with himself, you will find that he never speaks the truth. He says this plan was abandoned, because the people were not ripe for it; if they were not ripe at one end of the town, I should not think they were ripe for it in the city; if they could not blockade from Oxford-road to Saint Giles's, where Thistlewood was to make his grand stand, I should say if it was impracticable there, it was not more practicable at the other end of the town; and if you disbelieve this fiction, will you ascribe a different character to the assertions of this man, as to another plan to take place a fortnight afterwards? If you find him destitute of probability as to the west end of the town, let me ask what you will say to the plan at the east end of the town?

But I protest I can not understand what the plan was to be; they were to meet at Spa-fields, one man was to go to the Tower, another to the Bank; you have heard what has been said as to the Bank, but you have not heard how the Tower was to be attacked; nor can I understand how, though it is charged in the indictment as a serious part of this case. As to the speeches to the soldiers, that has nothing to do with attacking the Tower.

I request you to mark what I am about to mention; Castle says the Tower was his station; he was at the Tower at ten o'clock in the morning, and he knew the gates were shut on account of the Spa-fields meeting. What does he do with himself afterwards? why you would expect to find him going to his friends in Spa-fields, to tell them the gates were shut up; no, he does not go and tell them; I do not know where he is all the morning: but he ought naturally to go and tell his companions, if there was in reality a conspiracy to take the Tower, what he knew of it; he ought to have gone to them, and said, Do not go to the Tower, there is no use in going there, I know they are upon their guard; no he does not do this, but he absconds all the morning; he does not tell his companions what he knew, though he says he met them in Little Britain, and you hear nothing further of him till he leads these persons to the Tower, and then he says, at several hours afterwards, Watson and Thistlewood were haranguing the soldiers, to induce them to give the Tower up, though he had known himself that the gates were shut early in the morning.

I shall have occasion, by and by, to state to you something very remarkable about the Tower, which Castle said to Mr. Hunt, between

12 and 1 o'clock; but I will, for a moment postpone it. I own I do not care what he asserts about the transactions of the second of December, nor whether there was a plan or not, for whatever he asserts is not credible; but I own I do not quite comprehend the business, according to his own statement of it, nor is it at all consistent with the evidence. The whole, however, was to end in this, that the council named in the unexplained paper—the C. P. S.—was to govern the land, after these six rebels had swept down the whole internal civil and military force of the country.

I have no doubt if this trial went on a little longer, I should have been able to prove that Mr. Castle had been guilty of crime under every letter of the alphabet. Under some letters there is a double alliteration of crime; for instance, under the letter B we have Bawdy-house-keeping and Bigamy; for I will prove, that he has two wives; one wife he has admitted, and I have made him admit that Mr. Stafford sent this wife out of town. What I send the wife of a man out of the way who is allowed, *ex hypothesi*, to be incredible unless he is confirmed. Is that the style of confirmation by which men's lives are to be sworn away? If he speaks the truth, there are fifty things in which she might confirm him; where he was, who came to him, what things he got, where he went, what messages were left for him; many of these transactions might be confirmed; and yet, this witness incredible in his own person, too wicked and scandalous to be believed; this witness who is good for nothing, unless you can add buttresses and props to support him, is desired to send his wife out of the way, the only person who could give a diary and journal of where he was, and what passed; a person living with him, and who had an opportunity of watching him from day to day.

He stated that he had private reasons; I do not know what they were, but I think I can conjecture.

If we go on to letter F, we have more than a double alliteration, we have Forgery, Felony, and French prisoners; he has allowed that he uttered forged notes, and he worked out the redemption of his own life by sacrificing that of his companion; we have felony, for he has admitted stealing the chairs and tables of the room in which the treasonable plot was hatched, where this committee of conspirators met, if they ever did meet. If I go further, I find Mr. Castle mixed up in one of the most infamous traffics in which a man could engage; I find him assisting the French government, in procuring the escape of French prisoners, and particularly of an officer in the engineering department of the French army, Colonel Pouvetté; upon which occasion the magistrate told him he would commit a commissioner of the transports, if he found him doing the same thing. I find him visiting the wretched and unfortunate objects in a Bridewell, one of whom was about to undergo the sentence of the law, and who it seems set him to work in

getting off French prisoners. You will recollect his prevarications as to his living at Mrs. Thoms's, a place where nothing but infamy can exist; a bully in a common bawdy-house; such is his origin, such has been the course of his life; it began in turpitude and disgrace, and he has mounted up, after sacrificing one man for the earnings of blood-money, to the consummation of the whole, by urging others to crimes which are alleged to be treason, that he might communicate it to government for blood-money, as the price of his information. That is not all, so wretched and so miserable is this man, that he is not only a witness for the crown, but he actually came into court to give his evidence, dressed in the coat, waistcoat, and breeches of the crown, paid for by Mr. Stafford of Bow-street. Gentlemen, I put the question to the man, you heard the answer he gave, and you will find the very clothes on his back were paid for, as the incipient part of those wages which he is to receive.

Lord Ellenborough.—The contrary is in evidence, and you have no right to supply that fact.

Mr. Wetherell.—He said pocket-money was given him, and that his clothes were paid for.

Lord Ellenborough.—Yes; but he did not say it was blood-money.

Mr. Wetherell.—That is my inference; and gentlemen, you must decide on a full view of the case.

I have proved to you, from the prosecutions at the Old Bailey and the indictment at Hicks's hall, that for two months, nay till the month of March last, the character and definition of treason was not assigned by the attorney-general to these transactions. I have no reason to ask the attorney-general his policy, I have no right to ask his reasons—

Mr. Attorney General.—I have no policy.

Mr. Wetherell.—Do not interrupt me.

Mr. Attorney General.—I cannot hear in silence such corrupt motives imputed to me. I defy any man to impute to me corrupt motives, since the moment I first came into this court.

Mr. Wetherell.—I do not. I will argue on the facts. I have no right to ask the attorney-general's opinion; but I will argue on the facts; and I assert it as a fact, that for months after these transactions, and, as I assert, till Castle was got hold of, they were treated as a misdemeanor and a felony. There was an indictment at Hicks's-hall for a misdemeanor and at the Old Bailey for felony; and, till Castle was discovered, the idea of raising these transactions into the high and transcendent crime of treason, was not thought of. I impute no motives to the attorney-general; and if he supposes I alluded to him, I am sorry for it. I am sure I did not, but I have a right to the fact, and I will have the fact, that, till Castle was got hold of, misdemeanor, and not trea-

son, was the definition of the offence. Not only that, but a day was actually appointed for the trial, treating it as a misdemeanor; and it was not till Castle was brought to light, that the truth emanates before us.

I certainly feel that I am taking up much of your time; but I say that, since the Revolution, so large and important, so sacred a question as the present, never underwent public investigation. I have been bestowing a full month of diligence. I have done so much to my own inconvenience, and I concur in what I have been told, that I was to be counsel for every man of England, to decide whether, what had been called in all times a riot, was to be made, for political purposes, treason; that is the question.

You know, and every man in England knows, that the object of this prosecution is to change the distinction—

Lord Ellenborough.—This is out of all reason. There never before have been imputations so large and so unfounded against any individual.

Mr. Wetherell.—I have disclaimed any intention of the kind.

Mr. Justice Abbott.—What is the use of disclaiming the intention, if you do the thing.

Mr. Wetherell.—I never have made any personal allusions to the attorney-general.

Mr. Attorney General.—I beg pardon: you say the object of the prosecution is, for political purposes, to change the law of England; I say, that is imputing to me the basest and wickedest motives that can actuate the mind of man.

Mr. Justice Bayley.—The imputation goes a great deal further; it extends to all those who are to decide upon the question; it goes to this, that if those persons who have to determine upon the case, decide upon the question against the view which you take of the subject, then they will decide from political motives, and not act from those motives which I believe actuate all those persons.

Mr. Wetherell.—I am sorry your lordship should suppose so. I am not speaking *de persona*, I am only putting my argument, that these transactions were treated as misdemeanors.

Mr. Solicitor General.—Your statement was, that the issue was, to try whether this offence was, for a political purpose, to be made treason.

Mr. Wetherell.—I have disclaimed every personal imputation, and I think the interruption too hasty.

In the statute of 1795 under which two of these treasons are assigned, you will find by the last clause an election was given to the attorney-general to treat it as misdemeanor or treason; and if the gentlemen would have waited till I had closed my argument, they would have seen my argument has nothing to do with any personal imputations whatever.

You know two of the treasons under this record are laid under the statute of 1795, and probably you have not had the last clause called to your attention. It is this: "Provided, that nothing in this Act contained shall extend or be construed to extend, to prevent or affect any prosecution by information or indictment at the common law, for any offence within the provisions of this Act, unless the party shall have been first prosecuted under this Act.* This clause is a very singular one. It is the only Act in which such an election is given.

Lord *Ellenborough*.—There is no election. It means only, that a man shall not be prosecuted both at common law, and under the statute.

Mr. *Wetherell*.—I had been led to suppose, that the principle of this Act intended to give the crown an election to proceed for these treasons, under the last clause in the Act, in the shape of treason or misdemeanor.

Mr. Justice *Abbott*.—The Act enacts what shall be treason, and then it provides, that if a person has been prosecuted for a misdemeanor he shall not afterwards be tried for the same offence as a treason.

Mr. *Wetherell*.—If I am wrong let those gentlemen who have been so hasty in making the suggestions they have made, give me credit when I say, I had considered that this Act had given that election; and when I stated what has given so much offence, my argument was this; that up to a certain time it was treated as a misdemeanor, and now, under the last clause, they have converted it into treason: I may be wrong in my law, but still I think it will constitute a reason why they should not be so hasty, in imputing to me intentions which do not apply to me.

On that part of the case, the fact is, up to a certain time, these transactions were treated as a misdemeanor; and if they tell me I have imputed to them the changing it into treason, I am bound to say, as a gentleman, that I am sorry they should misunderstand me. I meant to argue what I thought to be the meaning of the Act, that it had given a double remedy, and that they had first elected to proceed for a misdemeanor and afterwards changed it into treason and that I might not state any thing but what was correct, I have stated the question to many gentlemen, in and out of this court, who have put the same construction on the Act. I only contend, that the crown has no right to change from one to the other.

I have now gone through the review which I proposed originally, of most of the main and general features of the case; the ultimate question is, whether, upon the testimony of Castle, you are of opinion, that any thing has taken place which any fair man will denominate to be treason? The direct issue must depend on what Castle says, without him there

is not the shadow of a case. But supposing he were confirmed in every thing he says, by other witnesses, still you must believe *the fact*, as a *proposition of fact*, that these parties deliberately intended to overthrow the state. For supposing that they instigated the outrages which the mob committed, and supposing the mob broke open the shops for arms, at the invitation of the conspirators; still, unless the force which they got had been afterwards actually converted to some act of aggression upon the state, coming within the examples I have mentioned of a constructive levying of war (which sort of case, I think, is not pretended), or unless the force could be considered as connected with, and instrumentally employed in the furtherance of some clear conspiracy and design, to overthrow the whole state, I should be perfectly at a loss to find, that such transactions were ever brought within the pale and reach of the statute of treasons, though I would describe the crime as strongly as any man.

You will hear by-and-by the view which the able person, with whom I am associated, takes of this subject; we have conferred much in private, but I believe his view will correspond with that I have laid before you; though I have no doubt it will be illustrated in a better manner, and reasoned with greater accuracy and force.

It is under the impression that I am well founded, that I have felt it my duty, with that firmness which I hope will ever attend me in the execution of any task, to represent to you my conception of this case, my conviction of the law, and of the general character and nature of it; that conviction I have expressed; what I have freely thought, I have freely spoken. I have fearlessly and boldly stated my propositions, and if any man's malignant or oblique insinuations should point at me, or if it should be suggested that I were disposed to infringe upon or to deny to the supremacy of the state, or to the crown, the protection to be derived from that best and ultimate extent of construction which the statute of treasons ought to receive, and which a well-wisher of the government could look for, I should confront that ill-nature or malignity by opposing to it the unvaried and uniform tenor of my life. I am here no supporter of popular riots and outrages, I am no defender of wrong and mischief, no patron of public disturbance and confusion, I am the friend of none of these; I am no advocate for taking from the crown what belongs to it, neither am I an advocate for withholding from the people the rights and securities which can only be preserved by an uniform rule and invariable application of the law; I am for holding the scales even between the crown on one hand and the people on the other, and the only balance between them is the law. A capricious and arbitrary construction of the statute of treasons is what every writer has said to be illegal, and every judge has, in modern times, endeavoured to avoid. It is an innovation of that kind that I am con-

* 36 Geo. III, c. 7, s. 6.

tending against : I have gone through a long research to find out whether authorities can be produced against me, I can find none ; I call for them ; I call on the solicitor-general in his reply, to add to the catalogue of constructive treasons ; I call upon him to prove what authority has ever decided that an undefined tumult was ever made treason ; I call upon him for decisions or examples to prove that at any time such disturbances have been held, in the history of the law, to satisfy the denomination of levying war against the king.

There are still several other topics of a general nature connected with this case, to which I wish to call your attention, and amongst others, to the definition of evidence. I have differed from the attorney-general, I will take the law from no attorney-general, I will take the law from nothing but decided authorities ; I will not do what the attorney-general has called on me to do ; I will not accept his challenge, when he says, if I cannot explain these things, they shall be held to be treason. According to this principle, what is to become of the statute of king William, which requires overt acts to be stated on the record, and proved by two witnesses ? why is this required ? why is this demonstration demanded ? It is to prevent speculative treasons ; it is to supersede every doubt as to the right of the crown to require that explanation which the attorney-general calls for ; the right to call for explanation is denied. Treason is no matter of explanation but of proof ; it is not for the prosecutor to say, Give me an account of what is meant ; that is not law ; the prosecutor must make out what the accused did mean ; the labour of proof is with him ; he has a right to conjecture nothing, he has a right to suppose nothing ; it must be all manifested by open deeds and affirmative evidence.

I remember well the definition of proof given by a man whose profound learning was never surpassed in Westminster Hall ; I mean sir John Scott, when he was attorney-general in 1794. That eminent man, in sustaining the crown prosecutions at that period, told the jury, that the proofs to be made out must be "*formal and convincing*," I borrow his precise expression. But the doctrine laid down during this trial upon the subject of evidence, is very different indeed, and is totally inconsistent with the doctrine laid down by sir John Scott, in 1794.

Having alluded to one of the rules laid down by the attorney-general of 1794, I must borrow from that eminent person some other leading principles connected with the nature of evidence and overt acts of treason. He expressed himself thus to the Jury, " I disclaim accumulative treasons ; I disclaim constructive treason ; I disclaim treason by parity.*" Now I could wish all these notions to be disclaimed

* *Vide* the Attorney General's address to the Jury in Hardy's case, 3 How. Mod. St. Tr. p. 352.

in this prosecution ; but instead of that, they are all acted upon. You have a constructive project for overturning the whole state ; for if I believed Castle's evidence, I should be unable to believe a real project against the state, whatever else I might think of it. You have then a set of very small circumstances ; a little tampering with the soldiers, a very little ; you have some arms taken from the shops, but they are turned against no living being ; you have a little speech from a waggon ; a little riot in the city, very little indeed, mighty little ; a little speaking to the walls of the Tower, not much ; you have a little ribbon, three flags, and a little firing in the air. You are to mix up these things, and then the compound of the whole makes up a complete project against the state ; this is the true spirit of accumulative treason. But then there is another principle, upon which I protest I think the whole of the case is built ; and that is, the principle of treason by parity. If it should be said, that these proceedings are as bad, and the *moral delinquency* of the parties as bad as a case of undoubted treason ; you well know that such a principle is against every rule of the constitution, and the statute of Edward. Treason does not depend upon the quantum of the mischief ; it is not a matter of comparison, but depends entirely upon rigid legal principles. What happened in lord George Gordon's case ? this great city had been burning in fourteen places at once ; but when the jury came to try lord George Gordon, they exercised those sacred and immutable principles of justice which ever have characterized, and always will characterize a British jury ; they did not say to him, What you have done is as bad as treason, and therefore it is treason. Upon that occasion there was not an irregular mob with two or three miserable flags and banners, but a body of 40,000 men, in four columns, who marched down to the House of Commons, carrying with them tremendous and frightful awe ; they took possession of the steps and threshold of the House. Besides their bulk and consistency of numbers, they had every mark of identity of object, and they wore every appearance of a *regular array* against the state. The jury held the charge of levying war not to be made^o out against that noble lord ; and I have always thought, and shall always continue to think, that verdict one of the most convincing and splendid proofs of the invariable integrity and purity of British jurisprudence. The jury forgot the ravages and burnings with which London had been afflicted for a fortnight, and they tried the noble lord, discarding from their recollection, the insufferable outrages of which he had been, in the eye of God, the cause ; and did not visit on him the consequences of all those evils which had arisen out of the irritation of a mob, at the head of which he had put himself ; they did not say, that because this irritation continued, and in a day or two amounted to civil war against the state, that he should be considered as the author of the whole.

There are several other purposes for which I must desire you to keep in view Lord George Gordon's case; and particularly for the purpose of illustrating a very material question of law, which is, at what time a treason shall be said to commence. The point there was whether treason had begun, when Lord George Gordon was with the mob; there was plenty of insurrection and rebellion afterwards. But the jury were of opinion, that treason had not commenced while he was with the mob. Now I am perfectly ready to admit, that if a treason exists for five minutes, that is enough; it need not last for ten minutes, that I allow; but I wish to know, and I think you will be a little curious to know, at what time, on the 2nd of December, the treason began. You will permit me to remind you, that one of the overt acts is, advertising and procuring a meeting of the people; another overt act is, displaying flags there, making the speeches from the waggon, and the leaping down from the waggon by the younger Watson with the flag, and the expression "Follow me." The proposition then must be, that it was a treason when they met there; a treason when the speech was made; and the treason, when the orator leaped down with a flag, was consummated. This is singular indeed; for the whole police of the City of London was upon their guard; the Middlesex magistrates were in attendance, they had a room close at hand; the constables were actually in the field; the military were at the Light Horse Barracks, a circumstance which I got out in cross-examination with some difficulty; there had been notice sent to the Tower; there had been arrangements made with the lord mayor. Do the gentlemen mean to say, that the magistrates permitted all these proceedings at Spa-fields. What! did they permit a treason to take place? why did not they stop it immediately? but what is more, why did they suffer it to begin? Will you allow it to be said, that a meeting is treasonable, where notice of it has been published a fortnight before, in the public newspapers: Why, the government knew of it, and they knew of the flags. Will you permit it to be stated, that the same flag that is evidence of treason on the 2nd of December, is not as good evidence of treason on the 15th of November? and yet one of the identical flags was used at the first meeting; and a speech was made there by Mr. Hunt, which, in my opinion, was much more mischievous, than any thing these persons said. If I were to compare notes of the speeches, I confess I should say, Mr. Hunt's, in mischievous tendency, decidedly bore away the palm.

While I am on this part of the subject, I request that you will do me the honour of carrying back your recollection to the state of things on the 15th of November, and the 2nd of December last; for when we have to decide the character of any transaction, and particularly whether it is treasonable, every circumstance connected with it may be material. You will recollect, that at this time there pre-

valled a sort of epidemic soreness in the feelings of the lower orders of the community; a superfluous unemployed population was floating all round London, which laboured under great privations and hardships; but these were not imputed to the government; nor was there even a suggestion of blame or inattention in that quarter. An irritation certainly was manifest: but I believe that a loss of comfort would irritate the higher classes of life as much as the lower; the evil grew out of the dislocation of the times; it arose from the suspension of industry and employment. This soreness degenerated into riot, a feeling which had nothing to do with political objects; the stimulating causes were of a totally different description. There was no measure pending between the government and the people; the people had not asked a particular thing which was refused to them; there was nothing at issue between them and the government; there was no matter in contest. I recollect no time when there was less of that sort of complaint, as between the public and the government, which might be supposed to be favourable for hostile attack. I can discover therefore the character of a riot, but not of an attempt to rob the government of its powers, or to introduce a fundamental change, or to extort any thing by force.

But if I recur back to lord George Gordon's case, in 1780, I find a much stronger case than the present to countenance the idea of a treasonable aggression on the state; because you recollect that sir George Savile's act, which had given certain indulgences to the Catholics, had excited the feelings of the people, and raised a subject of public contest which provoked the popular resentment. But notwithstanding these indications, the jury refused to convict lord George Gordon, for want of manifest and direct evidence of a treasonable design.

I am perfectly conscious, that in the course of this discussion, I have been unable to preserve that arrangement and method, in advertising to the various topics of consideration growing out of this important subject, which I had proposed to myself. I have been unable to go through the outline of argument which I had formed in my private contemplation, but your liberality will supply those deficiencies; and I have not the least doubt that many parts of the case which have been imperfectly touched upon by me, will receive from my able coadjutor an effect which I could not give them.

I shall pass on next to make some remarks on another overt act of this strange conspiracy, charged upon the record, and upon which great reliance has been placed by the other side—I allude to the pikes. It is pretended to be said, that Castle is confirmed upon that subject; I do not think he is in the least confirmed. It is true that they are found in the lodgings of the younger Watson, but you will recollect that the Watsons had left the place a fortnight before the 2nd of December, and it is remarkable

that the whole number of spikes is found there. Another thing must not be forgotten; they are not pike-heads, but they are spikes to be put on pikes. If you will ask my opinion on the subject, I should say that Castle ordered them, and used the lodgings of the younger Watson as a place of deposit for purposes of his own; for it is not made out, according to my ideas of confirmation, that the elder or the younger Watson knew any thing at all about them; and I think it will be found to rest entirely on the credit and assertion of Castle, that they were ordered by the consent of the committee, or that they were paid for by the money of the elder Watson. It is not uncharitable to suppose, that Castle, who has earned blood money before, might know how this business was to end; and so it happens, in point of fact, that not one of the spikes has been used for any purpose whatever, except that of being produced in this Court as evidence against the prisoner.

Another circumstance is truly whimsical; a grand rebellion was to break out. It is clear they had no arms for the insurgents but what they got out of the gunsmiths shops. The conspirators were so ill furnished with weapons when the war was to break out, that they were obliged to get them by violence and chance; yet it is said that they had ordered these spikes for the purpose of being used; then why were they not fitted up and got ready? If they had been found completed, the having them ready would be evidence to show they were meant for mischief. Well, but they are not ready; and consequently, the evidence stands upon the mere assertion, that these things were to be put into the hands of the mob, which is contradicted by the state in which they were found. I cannot account for the non-use of them, if they were intended to be used as offensive weapons.

There is another circumstance of which I am reminded; it has been stated to you, that Harrison, one of the generals, a witness whom the crown has not thought it prudent to call, was to get the pike handles; he was to go to a place at the back of the King's-bench to get them; why is he not called to prove that he did go there? If you had evidence to show that the poles had been ordered, the argument would go some length; it would show a step of preparation; as it is, these things are as useless as the old armour in the Tower, or an old casque or helmet hanging up in a gentleman's hall, which has been there two centuries. There is some contrivance of Castle's in this business. You find next, besides his other occupations of bawdy-house bully, felon, traitor, informer and forger of bank-notes, he has been a blacksmith; you find him going to Bentley's to make a pattern; he admitted that he had not done a job of smith's work for fourteen years before, and it is clear that he had gone into the more genteel line of life which succeeded. After fourteen years, he resumes his skill as a smith; a most remarkable fact. Castle is throughout the whole of this transac-

tion active in every thing—he takes the lead in every thing: he tells you, that he produced one of the spikes to the committee, sharpened at the point, as a pattern. So it ends; for as to all the rest of them they are in their original state, and there is literally not one of them sharpened; and therefore I can easily believe that the younger Watson did not know they were deposited in his lodgings, or if he did, he may have been told that they were spikes made for a rabbit warren; for you find Castle telling Bentley that they were wanted as spikes for a rabbit warren, or a park—the same lie which he told to the man who made them, it is no very strained supposition that he might have told this young man. But let us stick close to the fact, which is always better than imagination. I want to know why they were not actually fitted up for the rebellion; they neither were used, nor were in preparation to be used, nor by possibility could be used: that is a fact my learned friends cannot answer; the only mode of bringing them into action is by construction and supposition. Now I own I never heard of such a thing as a *constructive or interpretative pike*. It is a difficult operation of the mind to understand an idea of that kind, and so metaphysical that I cannot attempt it. I have forgotten to observe, that a fortnight before the 2nd of December, the younger Watson left his lodgings, and the landlord told you, that neither the elder nor the younger Watson came there afterwards. Now I have dwelt longer than I ought on the spikes; for if we are to reason on the ordinary conclusions of evidence, and according to probabilities, the representation of Castle is contradicted by every view of the fact.

The last charge to which I shall allude, is that of seducing his majesty's troops from their allegiance, a charge which sounds seriously on the record, but no where else. On that point many witnesses have been examined by the crown, but I think there is not one who has made out a colourable instance. You find them talking in a public tap-room: there is a little beer and tobacco given to the soldiers; Hooper and Preston are said to be the persons who chiefly attended Castle, but he is throughout the leading character—he calls himself a Yorkshireman—he invents the modes of getting into conversation with the soldiers, and yet when you come to hear what the soldiers themselves say, the whole amounts to that distant sort of conversation which no serious man would call an attempt to seduce the soldiers from their allegiance. It is not suggested that the elder Watson was present upon any of these occasions; that I think is one of the lies that Castle has not told, those which he has told would form ninety-nine words out of a hundred of all he has uttered. I do not conceive it to be material that I should go, in detail, through the circumstances which constitute that part of the case. There has been an attempt to establish this imputation, but it has failed throughout. It is obvious, that in these conversations wishes were expressed that the soldiers should attend

the Spa-fields meeting, I do not dispute that. One attempt to prove seduction against Thistlewood ended very unfortunately. It appeared that the serjeant began the conversation himself, by complaining that he had been degraded improperly; and then the conversation turned on the difference between getting rank in the French army and in the English.

I think that not only is this charge not proved, but that in most instances the contrary is proved; and the conversations which were held with the soldiers amount to just the same thing as if they had been held with any other individual.

I cannot presume to trouble you longer as to the facts or evidence, which indeed I did not profess to examine minutely, but merely to consider under their general features, and for the purpose of collecting the general character and complexion of the whole case. I have laid down propositions, from which, as a lawyer and an historian, I will not recede. I will stand or fall by what I have said in respect to any small credit my industry may have gained me in Westminster Hall. What I have argued the public may criticise; what I have stated openly may be read privately. If what I have argued as law is bad, or doubtful law, the discredit will be mine. I shall be tried by criticism elsewhere, as I am subject to animadversion here. But I have endeavoured to do what belongs to me as a man, fearless of consequences to myself, with an uncontrollable free agency in the exercise of my duty. As an independent advocate, I have laid down fearlessly and boldly my view of the real meaning of the statute of treasons; and I will assert, that if your verdict is to be founded upon the doctrines contained in the opening of the attorney-general, your verdict will be a departure from those principles which never were departed from till the present moment. I have, in the former part of my address, fully examined what are those aggressions of violence; what is that application of force and violence, either as they relate to the king, or to the government and constitution, which amount to treason; and I will assert, as an honest man and as a lawyer, that if this extraordinary case is made out to be a constructive and interpretative levying war against the crown, the Riot act is obliterated, and every thing that has been for centuries characterized as a tumult or a riot will, by a new construction of the Treason Act, be magnified into the character of a treason. That is my assertion: you will dispose of it by-and-by as to you may seem meet, according to the facts of the case, and according to your better view of those facts; but as it is my duty to state to you the conclusion I have formed, and as I have been long labouring to form that which appears to me to be the right one, I own that I am rather indifferent as to the consequences, whether I may, or may not, conciliate other opinions to go along with me. I have on my side universal practice; I have the concurrence of eminent writers; but what

is better than all, I have with me the language of the statute of Elizabeth and the statute of George: and I should be glad to hear in the reply, what is meant by *rebellious riots*, unless it be those tumults and disturbances which may carry with them considerable degrees of hostile attitude, of excess, of force and violence; but which fall short of treason for want of one of those distinct aggressions, or one of those distinct designs, which is requisite to fulfil the legal denomination of that crime.

I am conscious that I have occupied a larger portion of your time than the fatigue you have gone through would have disposed you to give me. You have seemed, however, to honour me with your attention; and I flatter myself you have not personated and put on that appearance. You will pause and reflect upon the momentous consequences of the verdict you are to give, for no question of equal importance has been submitted to a jury within the last century. Let us administer the law as it is, and leave it to constitutional authority to create larger treasons if the exigency of the times shall require it; but let it not be done by the verdict of a jury.

I have nearly brought to a close the whole of what I wished to submit to your consideration. I before said that I should have occasion to state to you some very remarkable occurrences which took place between Castle and Mr. Hunt. I have condemned Mr. Hunt's speech, thinking, as I do, that the mischiefs on the second of December grew out of the irritation of feeling created by Mr. Hunt's speech on the fifteenth of November; but against Mr. Hunt's veracity and general character I have never heard any suggestions. Now I shall shew you that it has been by Mr. Hunt's circumspection alone that he has not been equally made a victim to the indescribable villain Castle. What I allude to more particularly is this: I asked Castle what passed between him and Mr. Hunt in Cheapside, on the second of December; I pressed him distinctly and particularly on the subject; I had my reasons for it. You will recollect that the meeting on that day was particularly appointed to be at one o'clock, and you will recollect that the Watsons went away between eleven and twelve. Now Castle stated, that he told Mr. Hunt that the meeting had been broken up, and that was all he mentioned to him. Now I shall call Mr. Hunt, a witness whom the crown has been afraid to call, who ought to have been called, who is one of the two hundred and thirty witnesses named in the crown list; because if the flag is evidence of treason against these low conspirators, it is equally so against Mr. Hunt. Why did they not call him to give an account of the prior meeting of the 15th November? But, however, I will call him; and I will prove that Castle met him in Cheapside at half past twelve o'clock, when he was going in his curricule towards the fields. You will have the goodness to remember that Castle, who had been at the Tower at an early hour, stated that

he found the gates were shut, and that the sentinels were on their guard in consequence of the meeting. I will prove that he used an expression to Mr. Hunt of this kind: "*The Tower has been in our possession for an hour; go along with us, my boy;*" and if it had, if it so happened that Mr. Hunt had turned his curriole the other way; if he had been seen any where in the mob, in the Minories, or any other place; if he had gone there as a spectator from idle curiosity, Castle would have sworn he was a co-conspirator, and, what is more, you would have found his name in the paper called the C. P. S. which I say is a fabrication of this man; and the paper, the C. P. S., would have been produced to verify the fact that Mr. Hunt had become one of the committee of public safety, as it is to be termed. Can you entertain a doubt, that this detestable falsehood was uttered by this man for any other purpose than that of drawing Mr. Hunt into such a situation as that he might have been made a victim, as having apparently entered into this extraordinary plot.

There is another transaction by which the infamous designs of this man will be equally manifest. Do you recollect my pressing him very hard to know whether he had dined with Mr. Hunt in Bouverie-street? and whether he had not intruded himself on his company? there was a shuffle, but at last we got at the fact that he did dine at the same table. Then I put another question, the drift of which he was aware of, whether he recollected falling asleep or shamming a sleep, in vulgar language, a fox's sleep. The trade of this man is to get hold of victims to be sacrificed; and I hope when this business is over, that the attorney-general will not suffer such a man to roam abroad any longer. I shall prove that he gave that infamous toast—"May the last of kings be strangled with the guts of the last of priests." I will prove that he was checked by the company; I will prove that he attempted to talk about the soldiers, and was checked by the company; I will prove that the company said they would leave the room; I will prove that this man shammed sleep for a considerable time; and I will leave it to you to say whether this could be done for any other purpose than that of a hope that Mr. Hunt might let fall some expressions which might afterwards be used against him.

I am uncharitable enough to say, that I would not put any man into the stocks upon the testimony of Castle, instead of visiting death upon these unhappy men, whose destruction is to be the subject of advantage to himself.

I had occasion, in the beginning of my address, to read to you a passage from Mr. Justice Foster's invaluable work. It contains a solemn admonition; it furnishes an observation and a maxim which I hope every gentleman and every man of respectability in life will allow me to address to his attention. There may be persons of great warmth of political

feelings, who make patriotic speeches in public assemblies, who may mean to inculcate principles which appear to them beneficial to the people, who may wish to keep alive abstract sentiments of liberty, without the slightest idea of unconstitutional aggression against government. But I think the disclosures made during the course of this trial will furnish a caution for every gentleman in England, and every man of station, to take care in what company he shall be seen, and not to suffer himself to enter into private conversation with unknown or doubtful characters. You have seen the paper called the C. P. S. containing the names of individuals, some of whom are of high and respectable station. You recollect that sir Francis Burdett was invited to attend the Spa-fields meeting. I have no right to criticise his political sentiments; I cannot presume so to do. You will recollect also that his name has been put down in the C. P. S.; but by whom was it put down? Now if he had ever suffered such a miscreant as this for one minute to be in his company, if he had permitted himself to be alone with him, where might he not now have been? Sir Francis Burdett was prudent enough not to attend the Spa-fields meeting; he excused himself. But if I am at liberty to suppose he might have been there, and if this doctrine of distant, possible, constructive, interpretative, conjectural treason is to be applied upon the testimony of a man whose whole life has been corruption, wickedness, and vice, that honourable baronet might also have been dragged into this conspiracy, and made a partaker in this most extraordinary plot. Can you have a doubt that this C. P. S. has been made by Castle for such a purpose as this? Can you have a doubt that there was an intention to draw Mr. Hunt into it? And if I prove that contrivance, as I shall undoubtedly prove it as to him, I account for the existence of the paper. It will become a very convenient thing to put down the names of gentlemen in such a paper, and afterwards by conjecture to mix them with transactions with which they have no concern, and to make their conduct the subject of question; and therefore, without asking what this C. P. S. meant; whether it is a committee of public subscriptions, or a committee of public Safety, I know not; but I account for it on a theory which coincides with the conduct of Castle as a seducer and informer.

I cannot but express the sincere gratitude which I feel, for that great length of indulgent attention, with which you have been pleased to honour me in the course of this discussion. I have now concluded the arduous duty imposed upon me, though I have not been able to execute my intentions in the manner I had originally proposed, nor with an effect at all satisfactory to myself; but I have done what belongs to me; I have stated what I think, with that independence which I will never yield to any person, and which I will never omit to exercise in any place, or upon any occasion, where

I may conceive it to be my duty unrestrainedly and fully to deliver my sentiments. Those sentiments I have delivered; and I shall sit down with reiterating a proposition, which I am afraid I have repeated too often before, that if these transactions, (even if they were more credible than they are, even if many parts of them were proved, instead of not being proved), are, by conjecture and interpretation, to be exalted and magnified into constructive and interpretative levying war against the crown, the pure and genuine, the settled, and the hitherto undoubted exposition of the statute of Edward, will give way to an arbitrary and capricious exposition of it, which will be absolutely incompatible with the free agency of British subjects.

Lord *Ellenborough*.—Brother Copley, will the witness whom you propose calling occupy any considerable time?

Mr. *Sergeant Copley*.—I think his examination will not occupy a considerable portion of the time; but perhaps it will be better to take it altogether in the morning. I do not think it will materially break in upon the day.

Lord *Ellenborough*.—Then we will take it to-morrow morning, if you please.

COURT OF KING'S-BENCH,

Saturday, 14th June, 1817.

[James Watson was set to the bar; and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.]

EVIDENCE FOR THE PRISONER.

Henry Hunt, esq. sworn.—Examined by Mr. *Wetherell*.

Is your name Henry Hunt?—It is.

Do you live at Middleton-cottage, in Hampshire?—I do.

Have you had any subpoena served upon you by the crown, to attend as a witness on this prosecution?—I have not; I expected it, but I have not; I beg to add, that I have had a subpoena served upon me for the prisoner.

You were present, I believe, at the first Spa-fields meeting?—I was.

Was that upon the 16th of November?—The 15th.

Did you make a speech to the persons assembled round the house called Merlin's Cave?—I did; but not that speech that was reported in the *Times* and other newspapers; I beg leave to add, nor any thing like it.

Lord *Ellenborough*.—Answer the questions; do not wander.

Mr. *Wetherell*.—After the speeches were concluded, was there a motion put to adjourn the meeting to a future day?—There was.

What was the adjournment-day first pro-

posed?—I am not positive; it was some day after the meeting of parliament.

Did any person, and who, afterwards propose an alteration of that day?—There was a person.

Do you recollect who proposed the alteration?—I do.

Who was that person?—The younger Watson.

Do you recollect the father of the younger Watson saying any thing upon that subject, when his son proposed the alteration of the day?—I do.

What did the elder Watson say?—He endeavoured to prevail upon his son not to propose it, it being too early; the other was esteemed a much later period, and he thought meeting in a fortnight's time, he said, was a great deal too early and unnecessary.

Were they both standing near you at this time?—Side by side.

Did this take place in any room in the Merlin's Cave, or where did it take place?—At the window of the room in Merlin's Cave.

Before the younger Watson proposed the alteration, had the elder Watson said any thing upon the motion first proposed?—The elder Watson had addressed the people, but I do not recollect whether he had said any thing upon that motion of adjournment or not.

When you first proposed the adjournment, and before the younger Watson proposed an alteration, who seconded the original proposal?—I beg leave to qualify that answer, first of all, by saying, that I did not first propose it; there was a general cry for an adjournment; it was not anticipated, but there was a general cry "adjourn the meeting." Then I proposed an adjournment, either to the second day or the second week after the meeting of parliament.

Then having proposed the adjournment of the meeting to the first or second day after the parliament met, who seconded your proposal?—I do not know; it was one or the other.

Mr. *Justice Abbott*.—The second day or the second week, you are not certain which?—No; it was either the second day or the second week, but I cannot be sure which.

Mr. *Wetherell*.—You yourself were standing then at the window, with the two Watsons close to you?—The younger Watson at my right-hand, and the elder Watson close to him; in fact, the younger Watson pressed between the father and me, to get to the window, and he was opposed by the elder Watson, not only by words, but an endeavour to keep him back by a gentle force. I beg leave here to add, that the younger Watson, in my hearing, was sent forward from the back part of the room to propose this motion, by some person who sent him forward; therefore the father and myself having heard this, induced us both to endeavour to prevail upon him not to make such a motion before he began.

Where did you dine on the 15th, the day of this first Spa-fields meeting?—At Cooper's

hotel, in Bouverie-street, the inn which I was staying at.

Do you know the christian name of Mr. Cooper?—I do not, but I believe it is Robert; I cannot swear to it.

Be so good as to look at that printed list, and see whether that is the description of the hotel where you dined?—"Robert Cooper, of Water-lane and Bouverie-street;" that is the description; one part of the hotel is in Water-lane and the other in Bouverie-street.

Do you know a gentleman of the name of Bryant?—I do.

Have you known him for some time?—Four or five years; Mr. William Bryant.

Did you expect to meet him there to dinner?—He had engaged to order dinner for himself and me, to dine together at five o'clock, a day or two before; I expected to meet him there on private business.

You had private business with him?—I had.

Had you invited a person to dine there of the name of Castle; Mr. John Castle?—I had not invited any such person, nor did I expect any such person.

At what hour had you proposed to dine?—At five, I believe it was.

When you got to the Bouverie-street hotel, did you, in fact, see Mr. Bryant there?—I found him there with his son, a little boy.

Had the dinner been ordered by him, or did you ring and order it?—He told me he had ordered three whittings and chops for us three; the cloth was spread for three.

Before you sat down to dinner, do you recollect Mr. Castle coming into the room?—I do.

Was it a public coffee-room, or dining-room, or a private room?—A private room, not the public coffee-room.

Did Mr. Castle come into that room?—He did.

Did any other persons come with Castle?—Many.

Who were they?—I did not know them all.

Be so good as to state who they were?—The two Watsons.

Those you did know?—Yes, Thistlewood, Castle, a young man by the name of Clarke, who presided as chairman of the public meeting, and I think several other persons.

Did Castle come into your room in consequence of your desiring him to come in?—Certainly not, I did not know him; I only know now that he is Mr. Castle.

Did all those persons come into the room with Castle?—They did.

Did you desire any of those persons to come into your room?—Certainly not.

When they came into the room, did Mr. Castle or any other person, say any thing on the subject of dinner?—If you will give me leave to explain it; I was not surprised to see the parties come into the room; I was not surprised to see the Watsons and Thistlewood come into the room, although I had not invited them; it being usual and common, after pub-

lic meetings, that those who have taken a part in the meeting should meet together afterwards.

You say you were surprised that this Mr. Castle made his appearance?—Yes, and several others, and remonstrated, as well as Mr. Bryant, and said that this was our private room, and that our dinner was just coming; and gave them a hint that it was necessary they should retire.

Lord *Ellenborough*.—Did you desire them to retire?—No, not desire them to retire, but gave them a hint that our dinner was ready.

Mr. *Wetherell*.—Be so good as to recollect whether you had ever seen Mr. Castle before that day?—I do not think I ever had, to my knowledge; I might have, but I never recollect seeing him till I saw him with the flag in Spa-fields.

On that day?—Yes.

What did this same Mr. Castle do with his flag in Spa-fields?—The first time I observed him, he was unfurling a flag, and fixing it on a pole.

Did he do any thing else with the flag?—He brought the flag, after I was in the Merlin's Cave, and fixed it at the side of the window; I believe it was he.

Having fixed the flag on the side of the window, where did Mr. Castle station himself afterwards?—I saw nothing more of Castle, to my knowledge, till he came into the room in the evening.

On their coming into your room, did they, in consequence of what has been stated by you, retire or not?—Possibly some of them might; but some person, I do not know which, proposed that they should have some chops. The answer of myself and Mr. Bryant was, that we had only got dinner provided for three, and therefore so many of them could not partake of it. One of them immediately proceeded to the bell, who I believe to be Castle, and rung the bell, and said, We will order some beef-steaks, or something of that sort; and upon the landlord or the waiter answering the bell, they immediately ordered, I think, fish and beef-steaks to be added to our dinner. The cloth was laid, and we were soon seated.

Do you believe that the person who rung the bell was Castle?—I believe so, to the best of my recollection.

Was Mr. Castle at this time in liquor?—As far as my judgment goes, not in the least.

Did his manner of speaking or his gait, betray any symptoms of a man in liquor?—Extremely officious, but not at all in liquor; forward and officious, but not at all in liquor.

This postscript being added to the dinner, how many of you sat down to dine?—I should think ten or a dozen; I do not swear to the number exactly, but I believe ten or a dozen; there were several persons there whom I did not know.

Was the elder Watson one of those who sat down to the party?—He was.

Was the younger Watson one of the party?—He was.

Was Thistlewood one of the party?—He was; I had seen them the day before, and they had made me acquainted with their names; those were the names they gave me; I had seen them for the first time the day before.

Mr. Castle, I presume, having invited himself, he sat down to table too?—Oh, yes.

Was the king's health drank after dinner?—It was; Mr. Bryant, who sat at the head of the table, as soon as the cloth was removed, drank the king; I added, better not give any toast at all; he gave the king, and it went round, till it came to Castle.

To the best of your recollection, did the prisoner, the elder Watson, fill a glass to the king, or take the bottle as it passed by?—I saw that it passed all round almost, all but one: Clarke was next to me on the right hand; Castle the next; so that it passed all round the table without any remark, till it got to Castle.

It performed the revolution of a circle till it got to Castle?—It did.

When it got to Mr. Castle, what occasioned the circle to stop with him?—Oh, it did not stop, not immediately; Castle began in a very loud tone, "May the last of kings be strangled—" I jumped up and stopped him; I rose from my seat and stopped him, in rather a determined way, saying, no such language as that should be used in my company.

What said Mr. Castle to this?—He followed on by saying something about the guts of the last priest; this was reprobated apparently by the whole party, particularly by Bryant, myself, and the elder Watson.

Did this same Mr. Castle introduce any military subject at your dinner party?—I beg leave to add, that upon this, Mr. Castle made a sort of apology: he made an apology.

Did Mr. Castle introduce any military subject of conversation?—Sometime in the evening afterwards, he burst out, "Damn me, the soldiers are our friends;" upon which I said, "Pray, Sir, what have we to do with soldiers here;" he intimated that he had had frequent conversations with them; my answer was, "More fool you," or something to that effect.

In short, you gave him a good smart hint, did you?—If you call that a smart hint; whether upon this occasion or not I do not recollect, but upon one or more occasions, he was expostulated with by the elder Watson, for his violence.

Do you mean one or more occasions in the course of that evening?—Yes, on one or more occasions; whether on this occasion I cannot recollect.

You speak of the same evening, not of any other evening?—Of the same evening.

Do you recollect whether this good man said any thing about French prisoners?—Yes, he was the general spokesman for the evening; he was intruding himself on every occasion.

Do you recollect his saying any thing particular about French prisoners?—He related a

story, that he had been concerned and had been instrumental in taking two French prisoners out of the country.

Do you recollect the particular account which he gave of that business?—Yes, for which he said he had been imprisoned two years in Maidstone gaol; I intimated across the table, to the younger Watson, "Pretty company you have introduced us here to, Mr. Watson, pretty company you have introduced us here to;" Bryant added, "Yes, pretty society we have got into, indeed," or words to that effect.

Do you recollect Mr. Castle saying any thing?—I beg leave to say, that I recollect he said he had received five hundred pounds for carrying those French prisoners out of the country, or something to that effect; I think five hundred pounds was the sum he mentioned, and that he was to have had four or five hundred pounds more for taking another, for aiding in the escape of another French prisoner in Wales, but he was disappointed.

Is that all that you recollect on the subject?—That his disappointment arose from this circumstance, that he could not get this man to ride on horse-back; this French prisoner; that he had carried him a considerable distance in a cart, when he found it necessary to place him on horse-back. He refused to ride, "upon which," said he, with an oath, "I drew out a pistol, and I hesitated or I waited for some minutes, to know whether I should blow the bloody villain's brains out or not: I had a damned good mind to shoot him."

He said, "I had a damned good mind to shoot him?"—Yes, or words to that effect; that he hesitated for some time.

Do I understand, that he said he did not succeed in getting him off?—He did not, and that was the reason he was obliged to give it up; upon this Bryant and myself, I believe both of us, appealed to Watson, or some of the party, and represented the necessity of their taking their friend out as soon as possible—of their taking their friend away. I believe upon this occasion, the younger Watson, the first time, or the only time almost that he spoke in the evening, attempted in some measure, to justify the carrying of French prisoners out of the country; I think it was the younger Watson, or some one of those whom I did not know, attempted to justify his assisting in the escape of the prisoners: I have the more reason to think it was the younger Watson because the elder Watson reproved him.

After this, do you recollect whether this same Mr. Castle became less talkative than he had been?—He produced the flag which I saw in court, that had been in Spa-fields; this flag he pulled from under his coat, with an exclamation—a vulgar exclamation, that that was his flag, and he would part with it but with his life; that he would have his heart cut out (those were his words) before he would ever part with it.

Are you sure of the expression, that it was his flag?—That it was his flag, or that he had

carried it; but he said he had got it in his possession, and that he would part with his life before he parted with the flag; that it was in his possession, and he would never part with it; and I think at this time, he told us the story about the Spital-fields weavers having made the silk, and his having prepared the rest of the flag; I think that was the substance.

Did you say any thing to him? — I said "Pray, Sir," for I did not know his name then, "Pray, Sir, who do you think would attempt to take this flag; let me see it;" It was then spread out, and I read the motto, "Nature to feed the hungry; Truth to protect the oppressed; Justice to punish crimes;" I think that was the motto: it is the same motto as has been read; upon which I observed, I see no harm at all in this flag, or the motto, and "I am surprised at your violence about keeping the possession of it," or words to that effect. I believe that this occurrence took place previous to the history of the carrying out the French prisoners; he then produced two or three knots of ribbon cockades, apparently of the same colour as the flag, and he offered me one of them; and I refused, saying, "You had better give it to your sweet-heart, if you have got one, sir," or something of that sort; he offered it then to Mr. Bryant, who said, "Oh, yes, I will take it; it will do for my pretty little maid," or something of that sort, and put it into his pocket; after the history of the French prisoners, I got up and declared that he should go out of the room, or me, and, as I before stated, represented to Watson, the necessity of taking this fellow away.

What did he do then? — I believe I should have proceeded to have endeavoured to have turned him out of the room, upon which, either Mr. Bryant, or some other person, said, "We had better not make any bustle," or something to that effect; upon which I declared, that if he uttered one more sentence while I was there that he should go out of the room, or I would, or words to that effect, if he uttered one more sentence of that nature; upon which he expressed contrition; in some way he expressed a sort of contrition, and said no more; other conversation then having taken place, in a very few minutes afterwards I saw him rolled up in his chair, sound asleep.

Was this what is commonly called a fox sleep? — At first I expressed pleasure that he was silent; soon after this, one of his friends I observed endeavouring to awake him, by shaking him; upon which I said, "for God's sake let that fellow alone, he is best as he is," or words to that effect; some of the company then proposed going, and I desired the first that went that he might be awake and taken out with them, or words to that effect; his friends endeavoured to awake him again, but without success, although considerable violence was used; upon which I got up to assist to wake him, and I used no gentle means, for at that time I was thoroughly convinced his sleep was a sham, and saying, "come, this fellow

shall go," I struck him a blow under the ribs, here, almost as hard as I could strike; quite enough to have knocked any common man down; but it made not the least impression upon him; he sat as still as if he had been dead. I gave up the attempt to wake him, and with the full impression upon my mind, the thorough conviction in my mind, that it was a sham sleep, I rang the bell, and ordered the bill; the bill was cast up by Bryant, the parties paying their money, which amounted, the dinner and the wine, to I believe between five and six shillings each.

Had Castle drank wine enough to make a man, what is commonly called, dead drunk? — The dinner was charged three shillings a head; and I will leave it to you, or to any man, whether the remaining two shillings or two and sixpence would make a man drunk; but I will say upon my oath, that no man in that room appeared to me the least intoxicated. Upon my expostulating with the elder Watson, about bringing such a fellow into the room, and upon his conduct, Watson said, he was a very good fellow, that he was an excellent fellow, and he hoped I would take no notice of it; and he appeared to have the greatest confidence in him; upon which the whole party got up, put their hats on, and assisted, and Mr. Castle was as wide awake as I am in an instant.

Mr. Justice Abbott. — They assisted in what? — They got up, and took his chair from under him, or something or another.

Mr. Wetherell. — Then he came to himself again, did he? — Perfectly.

Do you recollect coming to town to attend the second or adjourned Spa-fields meeting? — I would beg leave to say another word: the next morning, either Watson, or some one of the party —

Mr. Attorney General. — My lord, I apprehend that cannot be evidence.

Mr. Wetherell. — Certainly not. Do you recollect coming to town to attend the Spa-fields meeting on the 2nd of December? — I do.

What was the proposed hour at which the meeting on the 2nd of December was to take place? — I came on the Friday, the meeting was to take place precisely at the same hour by the resolution that had been unanimously carried at the meeting, at one o'clock precisely; a resolution that had been passed at that meeting, and which was, I think, in most of the public papers I saw, advertised, put in with the occurrences of the day.

In order to go to Spa-fields meeting, did you pass along Cheapside? Do you recollect what day of the week the 2nd of December was? — On Monday. Yes, I did, and I beg leave to account for that.

Be so good as to proceed? — I had reason to suspect —

Mr. Attorney General. — We cannot hear what reason Mr. Hunt had to suspect.

Witness.—To account for how I came into Cheapside.

Mr. Wetherell.—It is the explanation why he was there—

Mr. Justice Bayley.—It is not matter of inquiry here why he was in Cheapside. Do you feel it to be material to your case, Mr. Wetherell?

Mr. Wetherell.—No, my lord.

Witness.—It was in my way.

Mr. Wetherell.—You need not give your reason; but in point of fact, were you passing through Cheapside, in your way to the meeting?—I was; I came out of Essex.

Were you going from the Mansion-house towards Newgate-street?—I was driving a tandem.

While you were passing along, did Mr. Castle come up to you?—I observed a considerable crowd passing along towards the Mansion-house, on each side of the pavement, on the pavement.

Did Mr. Castle come up to you?—Castle left the crowd, and came out into the street to me, and stopped me; he ran up to the carriage.

In what part of Cheapside was this?—Fifty yards on that side what I think is called Bow Church; it is where the clock is hung out.

Now attend to this question; did you see or beckon to this man to come up to you, or did he come up to you of his own accord?—I certainly was driving rather slow, and looking out for information of what was the cause of the crowd.

Did he come up to you?—He did come up to me, but I do not recollect that I ever beckoned to him; I met his eyes as he came out of the crowd—he came up and stopped me—I very readily stopped.

What did he say to you?—"For God's sake how came you so late to-day to the meeting?" or "so much after your time," or something to that effect.

What did you say to that?—"After my time!" I turned round and looked at the clock, and I observed, it wanted twenty minutes, or nearly twenty minutes, of one. I observed, "it wants twenty minutes of one by the clock;" and I pulled out my own watch, and observed that it wanted nearly a quarter of an hour by my own watch. I was all in good time.

What further said Mr. Castle?—He said "Oh! the meeting has been broken up these two hours; we are going to the Tower, which has been in our possession for more than an hour—come along—come along." I struck my horses, and exclaimed—"Damned scoundrel," and went on; if he had not got speedily out of the way, one of the wheels would have knocked him down.

You drove then on to the Spa-fields meeting?—I passed on to the Spa-fields meeting, which was much the largest I ever beheld, the greatest number collected together I ever beheld.

At that time?—Yes, at that time.

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Henry Hunt, esq. cross-examined by Mr. Attorney General.

I have only one or two questions to put to you; you have told my learned friend, that you do not recollect all the persons that were at that dinner?—I do not.

Very likely Hooper was there?—I have reason to believe that Hooper was there; but I do not recollect it.

Do you know whether Preston was there?—He was not; I had seen Preston the day before, and I knew him enough to say that he was not.

How many persons were there to dinner; about how many?—I should think ten or twelve; there was a considerable room full, of whom I knew Bryant and Clarke, and some others.

It is very likely you did not know them all?—I knew eight or nine of them, by name.

How long was it from the time that you assembled to dinner, or that they came in in the way you have stated, till you parted?—I should think nearly two hours and a half, or three hours; as nearly as I can recollect, it was from half past five perhaps to eight o'clock; I should think it was as late as that.

The adjourned meeting was to take place at one o'clock?—Yes, at one o'clock, which did take place at one.

It was known that it was agreed on the first day that the adjourned meeting was to take place at one o'clock?—At the same hour as we had assembled the first day, which was one o'clock.

That was known?—Oh, yes, it was.

Did the Watsons know that?—Oh, yes, all parties knew that; from my own knowledge I have no doubt that they knew it.

It was so stated?—Yes, they heard it.

Did you state at the first meeting, that you should be there at one o'clock?—After the resolution had passed, I stated that I should be there precisely at the time.

At the first meeting, when the resolution had passed to hold a second meeting, at the same hour as you had held the first, you said you should be there at the time appointed?—I did.

That was one o'clock?—Yes.

You held out an expectation to the persons who were at the first meeting, that you would be at the second at the hour of one?—Yes, I have no doubt that they understood it so, and the result proved it; that is the greatest reason I have.

That was generally understood and known?—I believe so; and my great reason for this belief is, that when I came there at this time there was an immense assembly.

Very good; I have no doubt of it; were you alone when you were in your tandem?—I was not; I had my servant with me.

Where had you come from?—From Wanstead, in Essex.

You had come from Whitechapel, I suppose? From that quarter of the town?—Yes;

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I do not believe I was over that way before; I went out of town to avoid any communication with any human being.

I do not cast any imputation upon you?—I suppose not, but I take the liberty of mentioning that, for the purpose of preventing its being misunderstood.

Mr. William Bryant sworn.—Examined by Mr. Sergeant Copley.

Are you acquainted with Mr. Hunt?—I have been for about four or five years.

Did you dine with him on the 15th of November, in Bouverie-street?—He wrote to me to come and dine with him on the 15th of November, in Bouverie-street.

Did you, in consequence of that, meet him there?—I went there on the morning of that day, and I saw he was engaged; and seeing that, he said, "You had better come and dine with me at five o'clock."

Was that an appointment on private business?—It was.

Did you afterwards dine there?—I went at five o'clock.

Did Mr. Hunt afterwards come in?—He did. There was dinner ordered only for three persons; my son, a little boy I had in town, myself, and Mr. Hunt.

What time did Mr. Hunt come in?—Some time after five o'clock.

After he came in, did any other persons come?—He came first, then came six or eight other persons.

How soon afterwards?—Almost immediately at the heel of him.

Do you know the person of Castle?—I do. I saw him again the day before yesterday here, which was the only time I have seen him, except that.

Was he one of them?—He was.

Without going through the whole of what passed on that occasion, did Castle and those other persons dine with you?—Yes, very much against my inclination.

In point of fact they did dine with you?—Yes, Mr. Castle went and rung the bell himself, and ordered additional dinner, and the landlord came into the room.

But dinner being ordered, he, in point of fact, did dine with you?—He did.

In what state was he at the time when he came in; was he sober, or in any degree intoxicated?—I think he was perfectly sober; I did not see any thing to lead me to think he was in a state of intoxication.

Did he appear as if he had been drinking?—No, I did not think he did, by the remarks that he afterwards made.

After dinner, and when the cloth was removed, were there any toasts given; and if so, what was the first toast?—I objected at all to stay, without I myself took the chair.

Being in the chair, after dinner was over, did you give any and what toasts?—I gave the first toast, "The King."

Was that toast drank by the party?—It was

drank by all of them till it came to Castle; this man he objected to it, and said he would not drink any such toast; and he gave a toast, "May the last of Kings be strangled with the guts of the last of Priests." Upon which, I remonstrated very much; and, in short, stated to Mr. Hunt, who sat on my right-hand side, that he ought to be turned out of the room. Mr. Hunt upon that interposed, and so did the prisoner Watson.

How long was it after this toast was pronounced by this man that you addressed him?—Immediately.

How long was it after you addressed him that Mr. Hunt interposed?—Almost immediately. He replied to me, that I perhaps did not know how much he had been injured by the government of the country. He then stated, to the best of my recollection, that he had been confined two years in some country gaol; whether it was Maidstone or not, I will not be positive. I asked him for what; he said for carrying off French prisoners.

Did he tell you how many French prisoners?—I think he did mention some number; but I recollect particularly that he stated, that one of them that he was about to get off, when he got nearly to the place of his destination, when he was about to get on board the vessel, would not get on horseback, and that he had a great mind to shoot him. Some farther conversation followed this; he began then to talk about soldiers a little while after this, and I again remonstrated with Mr. Hunt about letting such a man come with him; and Mr. Hunt said, "I must put an end to this sort of language, or you must quit the room;" or, "I will turn you out of the room," or something to that effect.

Mr. Justice Bayley.—Was this said by you, or by Mr. Hunt?—I remonstrated with Mr. Hunt, and then he said this.

Mr. Justice Abbott.—What did Mr. Hunt then do?—Mr. Hunt, and, I think, Mr. Watson, for I can identify only him and Thistlewood; the other man I do not recollect being there. Mr. Hunt and Mr. Watson remonstrated with him about his using such language.

Mr. Justice Bayley.—You said something about his turning him out of the room, if nobody else would?—Yes, something of that kind.

Lord Ellenborough.—Did he speak loud enough for Castle himself, to hear, do you think?—Oh, yes, sufficiently loud; after this Mr. Castle produced a flag, taking it out of his side-pocket.

Mr. Sergeant Copley.—After he had produced this flag, what did he say, or do?—I asked him what the colours meant, upon which the prisoner Watson, perfectly in my recollection, for I thought it was something of the French revolution, or something of that sort; the prisoner Watson said, No, it did not mean any such thing, and he gave a classical definition of the three colours; white, he said,

to the best of my recollection, meant truth—green, nature—and the red, justice.

Did Castle go to sleep at any time that evening in the room?—He certainly did, on my calling for the bill; for I wanted to get out of the company as soon as I possibly could, and I desired my son to ring for the bill, and upon that occasion he was in a sound sleep in a moment; almost momentarily; when the bill came, of course I wanted to have it collected; it came to about five and sixpence a-piece, and something for the waiter, and there were deficiencies of Mr. Castle and some other, and I said to Mr. Hunt, "In order to get rid of this thing, you and I must pay the difference, whatever it is;" and Mr. Hunt desired Mr. Watson to try to wake him, or one of them; I think it was Watson; there was some attempt to do it, but the more they tried to wake him the sounder he appeared to be; at last I said to Mr. Hunt, "You had better get up and shake him; he ordered the dinner, see whether he has got any money to pay for it;" but he had no money or any thing else to pay.

Did you succeed at last in waking him?—Mr. Hunt did; I did not attempt it, for I got the bill paid as soon as I possibly could, and got away.

Did you go away before he was awake?—No, I think I did not; they all went out of the room, and I went away under a promise to see Mr. Hunt the next day.

Mr. William Bryant cross-examined by Mr. Topping.

Castle had no money to pay for himself?—He had not.

Who paid for him?—I paid for him; Mr. Hunt and I paid the deficiency between us.

Are you in the law now?—I am sometimes; the occasion of my going to Mr. Hunt—

I do not wish to inquire particularly.

Lord Ellenborough.—He must have been waked, or you would not have known that he had no money?—Yes.

Who awoke him?—Mr. Hunt; he certainly went to sleep in a very extraordinary way, and in a moment.

Did Mr. Hunt first attempt to wake him, or how?—I think Watson was the first who attempted to wake him.

A Jurymen.—Did you observe Mr. Hunt strike him?—I think he did hit him on the side; I recollect his taking him by the collar, and shaking him.

Lord Ellenborough.—Was it wine, or wine and water, that they drank?—Wine; I take it upon the average there might be about a pint of wine a-piece in the bill.

How many hours were you together?—Probably two hours, or two hours and a half; it was about nine o'clock, or a little after, that they went away.

What beer had you?—Some porter.

A Jurymen.—How was Castle dressed then, shabbily or decently?—Not very well dressed

at that time; I think rather otherwise than well dressed.

Not in a way that you would take him to be a respectable man?—I should hardly have known the man again; I saw him in the passage the day before yesterday, and he is in a different condition now than he was then.

Lord Ellenborough.—How came you to let him stay two hours with you?—My lord, I was in very considerable difficulties; there was a great mob surrounding the place, and I thought if I attempted to put him out I should perhaps endanger the premises, or endanger my own person.

James Wright sworn.—Examined by Mr. Wetherell.

Have you got a certificate of marriage there?—Yes.

What is it?—Of John Castle with Elizabeth Streeter.

Did you examine this with any original?—Yes, I did.

Where?—At the parish church of Saint Sepulchre; I saw it written by the minister himself.

Mr. Wetherell.—I wish to have this read, my lord; it is to make out the point of bigamy.

Lord Ellenborough.—Let us see what he stated about bigamy.

Mr. Attorney General.—If it goes to contradict his evidence, certainly it is admissible.

Mr. Richardson.—They must identify the party, I apprehend.

Mr. Wetherell.—We will do that, my lord.

Mr. Justice Bayley.—Is this prior to the marriage at Harwich?

Mr. Wetherell.—No, my lord; he said he knew a young lady of the name of Streeter; a young lady of the age of twenty; it is in reference to that.

Lord Ellenborough.—Do you object to this, Mr. Attorney General?

Mr. Attorney General.—I do not exactly understand, my lord, in what way the evidence is offered. If it is offered to contradict what Castle said in his cross-examination, there is no doubt it is evidence; but if it is offered to prove a fact of criminality against Castle, I feel it my duty to object now, upon general principles, and not for the particular purpose of this cause, because I apprehend that all cases criminal and civil, must be tried according to the rules of evidence, whatever be the subject matter of inquiry. If it be offered for the purpose of proving any particular offence committed by the witness, Castle, I apprehend it is not evidence; because otherwise a witness would be put upon his trial for offences charged against him, without any opportunity of defending himself.

Lord *Ellenborough*.—Will you have the goodness to give us the words to which this is opposed as a falsification.

Mr. *Wetherell*.—I submit, my lord, with great deference, that I am entitled to give this evidence.

Lord *Ellenborough*.—It is offered as a contradiction, I suppose?

Mr. *Wetherell*.—No, my lord, not as a contradiction.

Mr. Justice *Abbott*.—You offer it to prove a crime.

Mr. *Wetherell*.—Yes, my lord, two or three crimes; it is not only bigamy but perjury—

Mr. Justice *Abbott*.—Where an objection is made to evidence, it is not usual for the counsel who offers it to do more, in the first instance, than to state that he offers the evidence to prove a certain fact, and to state so much as is necessary for the purpose of raising the argument.

Mr. *Wetherell*.—Without going further into particulars, I apprehend I am entitled to prove what I propose to prove. I conceive that by the rules of evidence (which cannot be totally inconsistent with common sense) I am entitled to prove against any witness such accumulated infamy of character as to render his testimony unworthy of credit.

Lord *Ellenborough*.—You do not offer the record of his conviction?

Mr. *Wetherell*.—No, my lord; I am not in a situation to offer a record of conviction, there has been no prosecution for bigamy yet. Mr. Castle having, upon his cross-examination, himself admitted the commission of a great variety of crimes, I propose to accumulate upon his own personal admissions many other crimes. Your lordship knows that bigamy may comprise perjury in affidavits before the ecclesiastical court, as well as other offences. Bigamy may be composed of an aggregate of many crimes. Surely the attorney-general will not deny, that the law of England authorises me to prove such accumulated infamy of character as will render the witness incredible. It is said, this is like putting the witness on his trial. Many circumstances may interpose to prevent a prosecution which still would not restore him to credit. Castle may have obtained a pardon from the crown to prevent a prosecution for bigamy: the crown may constitutionally exercise its prerogative in this respect, and consequently I have a right to put it speculatively that this man is pardoned: he has admitted to me the expectation of a pardon of another offence.

Lord *Ellenborough*.—You have no right to assume facts without proof.

Mr. *Wetherell*.—I merely put it argumentatively. I conceive that it is no argument against the reception of evidence to prove ac-

cumulated guilt, to say that there has been no prosecution.

Lord *Ellenborough*.—It will shorten the discussion if you will mention any instance in which similar evidence has been admitted.

Mr. *Wetherell*.—Upon the same principle, an objection might be made to putting any question to a witness to shake his credibility.

Lord *Ellenborough*.—That the witness may refuse to answer; but if he does answer, you must take the answer and will not be allowed to impeach it. It was held by Mr. Justice Lawrence (and the doctrine was approved by all the other judges) that the witness may object to answer a question of that nature, but if he waives his objection and answers it, you are bound by such answer.

Mr. *Wetherell*.—My lord, I am perfectly aware of that: But if the witness has committed a crime, and has received a pardon, or the prosecution has been put an end to, I may compel him to answer as to that, although I cannot ask him as to offences for which he has not been prosecuted and for which he is still liable, because I cannot require him to criminate himself.

Lord *Ellenborough*.—Can you cite any decision in your favour? The contrary is certainly the case.

Mr. *Wetherell*.—I wish to hear a case cited by Mr. Attorney General to the contrary. I contend that I am at liberty to prove such repeated acts of criminality as must render the witness incredible; and I call upon the attorney-general to cite any decision or any dictum at variance with this proposition. I may speak too confidently, but I can find no such doctrine as that for which my learned friend must contend, laid down in any law book; in the course of my practice (formerly not inconsiderable) in courts of law, I never heard such doctrine maintained. A man may be able to prove that a witness is not credible upon oath, although he cannot produce a single record of conviction: he may be able to establish the same proposition in a more satisfactory manner, by proving the commission of accumulated crimes which would demonstrate the infamy of the witness. It would be a strange doctrine that you cannot prove directly that which you may prove indirectly—that you cannot prove by direct evidence of the actual commission of accumulated crimes that very fact the infamy of the witness which you may indirectly prove by calling a person who swears that he is not credible upon his oath.

My lords, it is with great humility that I press an objection after your lordships have expressed an intimation to the contrary; but I consider the present to be of so great importance as to involve the protection of the life and character of every subject in his majesty's dominions. For, although you can, by

direct and positive demonstration, fasten on a witness the commission of such accumulated crimes as that human justice and human understanding would repudiate his testimony as utterly unworthy of credit, in how desperate and lamentable a state of destitution will every man be placed whose life or character is at stake, if in such circumstances you are to be told, that the law of England will not permit you to prove that witness to be so steeped, so dyed in infamy, as that his evidence cannot be believed?

Lord *Ellenborough*.—If you have the record of conviction we will receive it: but we do not sit to try collateral questions.

Mr. Sergeant *Copley*.—I submit that this evidence ought to be received. A witness may be asked whether he has committed a crime; he may refuse to answer the question, but the only ground for such refusal is, that he is not bound to degrade his own character.

Mr. Justice *Bayley*.—He is not bound to criminate himself.

Mr. Sergeant *Copley*.—If then you might force this from the witness himself, were it not for the single objection that he is not bound to criminate himself, I ask, upon what principle is it, that you are not permitted to establish the same fact by other means?—It has been said (and I bow with great deference to what falls from your lordships) that if a witness answers, you are bound by that answer, that if the witness himself had given a negative answer in this instance we should have been bound by it: but would it not be competent to us to call witnesses to contradict him and to shew that his answer is false?

I do not, at present, make any reflections upon the character of this witness: but I will suppose, that a man, who has committed a great multitude of crimes, but who has not been convicted of one, comes into a court of justice for the purpose of giving testimony affecting the life and character of a prisoner: he appears in the face of the Court as a fair witness; if we ask him as to his having committed these crimes, he refuses to answer; is there then no way by which we can reach him? if we offer to prove the facts are we precluded from doing so? This would exclude all that testimony which is essential to the ascertainment of truth, inasmuch as it ascertains what degree of credit is due to the witness. The consequences to which this would lead are enormous, and alarming to the administration of justice. If this evidence is rejected, the life of every man is at the mercy of any man however infamous.

Lord *Ellenborough*.—Has evidence of this sort ever been admitted?

Mr. Sergeant *Copley*.—My lord, I have not had an opportunity of looking at the cases. I did not suppose this question would have been raised. But if no case is cited against me I

rely upon the arguments which I have humbly addressed to the Court; I rely upon those principles of right reason which have not been in this instance repelled, and which compel me most forcibly to repeat my firm conviction that this evidence ought to be received.

Mr. Attorney General.—My lords; notwithstanding the conviction of my learned brother—

Lord *Ellenborough*.—This is so very clear a point that, even if there were no precedent, the Court would be wasting the public time if they should call upon you to reply. The Court try the veracity of witnesses, with such means as they have, and, for this purpose, indulge free cross-examination: but when a crime is imputed to a witness of which he may be convicted by due course of law, the Court know but one medium of proof, the record of conviction. Every person who attends the tribunals where justice is administered knows how frequently in consequence of the record of conviction not being tendered, the evidence is lost. The rule is, that to disqualify a witness on the ground of his having committed such a crime as would disqualify him, you must produce the record of his conviction; otherwise, he is admitted. You may ask the witness, whether he has been guilty of such a crime (this indeed would be improperly asked, for no man is bound to criminate himself) and if, from a desire to exculpate himself from your imputation he answers in the negative, you are precluded by such answer from pursuing it further. The Court does not sit for the purpose of examining into collateral crimes. It would be unjust to permit it, because it is impossible that the witness can be prepared with exculpatory evidence to rebut any testimony which may be brought against him, for no man can foresee what that testimony may be: there is no possibility of a fair and competent trial of the question, and therefore it is never permitted.

It has been pressed upon the Court, that we are violating the first principles of law, when no case has been referred to wherein such a principle has been entertained. This mode of arguing the case and of addressing the Court is highly improper.

Mr. Justice *Bayley*.—I entertain no doubt upon this point, nor is the present the first time I have had occasion to consider it. If this evidence were admissible, it would be impossible to carry on the administration of Justice, because the Court would, in every case, have to try numberless different issues, and the attention of jurors would be withdrawn from the single question of fact before them, to examine into the infinite variety of crimes which would be imputed to the several witnesses.

I take the rule to be this: if an individual has been guilty of a crime which incapacitates him to be a witness, you may produce the record of his conviction, and give evidence of his identity, and then he cannot be heard in a

court of justice. If you cannot do this, you may call witnesses to prove, that from their knowledge of the man and of his general character, he is not to be believed upon his oath. You may give general evidence of this description, but are not at liberty to give evidence of the commission of particular crimes.

This is stated to be the rule in the only elementary book upon the subject, which I happen to have at hand, Mr. Phillips's extremely good Treatise on the law of Evidence. It is there laid down that "The party, against whom a witness is called, may disprove the facts stated by him or may examine other witnesses as to his general character. To impeach the credit of a witness, says Mr. Justice Buller, you can only examine to his general character, and not to particular facts, and the reason given is, that every man may be supposed capable of supporting his general character, but it is not likely he should be prepared to answer to particular facts, without notice; and unless his general character and behaviour are in issue, he has no notice."* If the witness were apprised of the particular facts, he might come prepared with proofs to shew that although there was *prima facie* evidence against him, they were in reality unfounded. You may indeed ask the question of the witness himself, and if he choose to answer the question you must stand or fall by the answer which he gives. He may demur to the question, for he is not bound to criminate himself, and if he refuse to answer, this is not without its effect upon the jury. If you ask a witness whether he has committed a particular crime, it would perhaps be going too far to say that if he refuse to answer you may discredit him; it is for the jury to draw what inferences they may. With respect to this particular case I am of opinion that the counsel for the prisoner cannot go into evidence of particular facts, to shew that the witness is not to be believed upon his oath.

Mr. Justice Abbott.—I also am of opinion that this evidence cannot be received; and think further, that if the attorney-general had not objected to its admissibility, it would have been the duty of the Court itself to have interposed. There are many cases in which counsel would rather allow evidence to be given than raise an objection, but in no case ought the Court to receive evidence which by the law of the land is inadmissible.

I was somewhat surprised to hear from one of the very learned advocates for the prisoner, that they did not expect that the admissibility of this evidence would be questioned. It has of late years been much debated whether it is competent, to ask a witness, under cross-examination, whether he has committed any crime,

or even to put to him any question which tends to disparage and disgrace him.* This subject is discussed at some length in the last edition of Mr. Peake's book on Evidence: reference is there made to a dictum of lord chief justice Treby, who upon a trial for high-treason, said, that no question could be put to a witness the answer to which might bring him into disgrace and disparagement. Within a few years, not long before I quitted the bar, upon a trial before the late lord chief baron, than whom a more learned or humane judge never sat upon the bench, a question was put (by a learned gentleman who was then together with me of counsel for the defendant) to the witness, I do not precisely recollect whether to criminate him, or whether it merely tended to discredit him; I think the latter: but the lord chief baron would not allow the question to be put; and in order that the point might be brought to a decision before the highest tribunal in the country, a bill of exceptions was tendered, but it was not proceeded in. It has been the uniform practice, for the purpose of discrediting an adverse witness, to call a witness to say "I have known such a one for years; I know his character, and I would not believe him upon his oath: but no person who has been called to give that testimony, has ever been allowed to add "because he has done so and so." The general assertion has been received, but the particular reasons upon which that assertion is founded, such as that he knew that the witness had committed certain offences, have always been rejected.

To what would the reception of such evidence lead? To a trial, by the jury impanelled upon this occasion, whether the witness has committed a crime: if this were allowed, a similar question might be propounded, and a similar inquiry pursued with respect to every witness who has given or may give evidence in this case: and thus the jury might be employed from day to day for an indefinite period of time in the trial of collateral issues. This would impose upon the jury a burthen which ought not to be cast upon them.

But further, the rules of evidence are the same in civil as in criminal cases: what may be received in the one case may be received in the other; and what is rejected in the one ought to be rejected in the other. And in civil causes, how can the witness, or the party who produces him, come prepared to rebut the presumptive evidence of guilt which may be adduced against him?

For these reasons, without going more at length into the subject, I am clearly of opinion that this evidence ought not to be received.

Mr. Justice Holroyd.—I am also decidedly of opinion that this evidence cannot be received. If such evidence be admissible, it is to be expected that it would have been very frequently tendered and received, for it is obvious that such evidence must be of the greatest impor-

* 1 Phill. Ev. 290; 5th edit. See also as to proof of conviction and judgment, *ibid.* 32.

* Vide Phill. Ev. 278. 5th ed.

tance, especially in criminal cases and the circumstance that such evidence never has been received is a powerful argument to shew that it cannot be received; but this is not the first time that the question has occurred and such evidence rejected. In addition to the great inconvenience, it would be absolutely impossible truly and justly to decide collateral issues of this nature. How is it possible for any witness, or for the party who produces him, not knowing what crimes may be imputed to him, to come prepared to explain and rebut *prima facie* and presumptive evidence applicable to every action of his life? but which, if he had previous notice, he might be able to explain or disprove?—The effect would be, to withdraw the attention of the jury from the question which they were impanelled to try, and to render witnesses unwilling to appear in a court of justice, where they would be exposed to charges which for want of previous notice, they could not refute.

In the case of *Spencely qui tam v. De Willott** which was an action for usury tried before lord Ellenborough, wherein the usury was alleged to have been committed by the defendant, in a contract made by him with the French Marquis de Chambonas; the plaintiff's case was proved by the marquis, who on his examination in chief swore, in substance, that the defendant had advanced to him the sums of money mentioned in the declaration, at the rate of about 10*l.* per cent. per month, and not by way of partnership; and there was no question of the usury, if the marquis were believed. But the defendant's counsel, intending to discredit the witness on cross-examination, proposed to ask him what contract he had made with a Mr. Schullenburgh, and with several other third persons from whom he had also taken up money on the same, and on other days on which the contract in question was made; and this for the purpose of drawing from the witness the confession, that he had taken up sums of money from those third persons on terms of confidence that he was to employ the money so raised according to his own discretion, (which he had suggested to them, he was enabled to do to great advantage), and to share with them the profits, whatever they might be, the defendant's counsel intending, if the witness answered in the affirmative, to draw from thence a conclusion that he had made the same contract with the defendant, (which was suggested to be the fact) with whom as with those third persons he was living at the time in habits of frequent communication and familiarity; or if the witness denied that such was the nature of his dealings with those persons, to call Mr. Schullenburgh and the others to prove the contrary, and thereby destroy the witness's credit. Lord Ellenborough, however, refused to suffer the question to be put to the witness on his cross-examination, conceiving it to be entirely irrelevant to the issue in the case,

and that it was not allowable for a counsel on cross-examination to put to a witness any question concerning a distinct collateral fact not relevant to the issue, for the purpose of disproving the truth of the expected answer by other witnesses.

The plaintiff having obtained a verdict for 25,200*l.* Mr. Erskine moved for a new trial; first on the ground of the rejection of the evidence proposed to be obtained upon the cross-examination of the witness; and secondly, upon an affidavit that the plaintiff had published a statement of the case, which was distributed about the court and the hall before and at the time of the trial. On the first ground he reasoned generally upon the inconvenience and danger to truth and justice, if a witness, perhaps unknown, who swore to a fact stated by him to have passed in secret or confidence with a party to the suit, when no other witness was present with whom he could be confronted, could not have his credit tried by a cross-examination as to collateral matters, whereon, if he spoke falsely, the falsity was capable of being shown by other witnesses. That this was of peculiar importance in criminal cases, where a person unjustly accused of secret offences, could often have no other means of defending himself. But the Court were all decidedly of opinion, that it was not competent to counsel on cross-examination, to question the witness concerning a fact wholly irrelevant to the matter in issue, if answered affirmatively, for the purpose of discrediting him if he answered in the negative, by calling other witnesses to disprove what he said. That in this case, whatever contracts the witness might have entered into with other persons for other loans, they could not be evidence of the contract made with the defendant, unless the witness had first said, that he had made the same contract with the defendant as he had made with those persons; which he had not said. They observed that the rule had been laid down again and again, that upon cross-examination, to try the credit of a witness, only general questions could be put, and he could not be asked as to any collateral and independent fact, merely with a view to contradict him afterwards by calling another witness. The danger of such a practice would be obvious, besides the inconvenience of trying as many collateral issues as one of the parties chose to introduce, and which the other could not be prepared to meet.—Lord Ellenborough then added, that he had ruled this point again and again at the sittings, till he was quite tired of the agitation of the question, and therefore he wished that a bill of exceptions should be tendered by any party who was dissatisfied with his judgment, that the question might be finally put at rest; and the Court desired to have it understood that they rejected the motion for a new trial on the first ground, and granted a rule *Nisi* on the second ground alone; which was “that the plaintiff had published a statement of the case, which was distributed about the court, for the purpose of influencing the

* 7 East, 108.

jury and the hall before and at the time of the trial." If the case came on for trial again, there was an opportunity of tendering a bill of exceptions, by means of which the very eminent counsel, if he had thought the question tenable, might have carried it to the House of Lords. Some cases have occurred since: I have understood that the rule has been acted upon, to this extent at least, that if you propose a question to a witness, and he declines to answer it, his not answering it can have no effect with the jury. If he does answer it, you must be satisfied with his answer, since it is given upon the penalty of being prosecuted for perjury. This was so held by Mr. Justice Lawrence, in a case of which I have a note; and I have always considered it as settled law, and acted upon from the earliest times.

Mr. Justice Abbott.—I have a perfect recollection of a case before Mr. Justice Lawrence, at Gloucester,* where a question of this sort was proposed to be put to the witness, and the learned judge, after hesitating for some time, at last said, "You may put the question if you please; but if you do, you must take the answer for good or for bad: you cannot call witnesses to contradict him."

Mr. Topping.—The very same point was ruled by Mr. Justice Lawrence at York, in *Rex v. Teal* and others for a conspiracy.†

George Philpott sworn.—Examined by Mr. Sergeant Copley.

Do you know the witness Castle, who has been examined here?—I do.

How long have you known him?—In the beginning of the year 1811.

Have you known him from that time to the present?—I did not see him for two years, nearly two years after he had committed the offence.

Never mind the offence; from the knowledge you have of him, and of his general character, is he a man to be believed when speaking upon his oath?—I should hardly think so; in fact, I would say that he is not.

James Lawson sworn.—Examined by Mr. Wetherell.

Do you know a person of the name of John Heyward, alleged to abide at No. 6, Stangate-wall, Lambeth, in the county of Surrey, stock-broker?—I know the person you allude to.

How many years have you known him?—Upwards of ten years; in fact, I have known him from a boy.

Would you believe him upon his oath; or in your judgment, is he a person to be believed upon his oath?—I believe not; I would not believe him upon his oath.

You would not; and you believe he is not a person to be believed upon his oath?—I do.

* *Harris v. Tippet*, 2 Camp. 637.

† 11 East. 309.

James Lawson cross-examined by Mr. Gurney.

Did you ever hear him examined upon oath?—I never heard him examined upon oath.

Mr. Wetherell.—But whether he has been examined upon oath or not, your judgment is that he is not to be believed upon his oath?—Exactly so.

William Haydon sworn.—Examined by Mr. Sergeant Copley.

Do you know a person of the name of John Heyward, who lives at No. 6, Stangate-wall, Lambeth?—Yes, very well.

A stock-broker?—No, he is no stock-broker, nor ever was.

How long have you known him?—I suppose five or six years.

From the knowledge you have of him and his general character, is he to be believed on his oath?—I do not think he is.

Does he live at No. 6, Stangate-wall Lambeth?—Yes, he does; he was for several years publisher of the *Courier* newspaper.

That is the same man?—I saw him here yesterday.

Lord Ellenborough.—Did you ever see him living in that place?—No.

How do you know it is the same person?—I have seen him here, and he told me he was to be examined upon this trial.

Mr. Sergeant Copley.—We can prove it was the same person, if necessary.

Robert Curtis sworn.—Examined by Mr. Wetherell.

Look at that paper, and read the description of John Heyward?—John Heyward, at No. 6, Stangate-wall, Lambeth.

Do you know such a person?—This is not his name correctly; his name is J. W. Heywood.

Is it the person who was formerly publisher of the *Courier*?—The same.

How long have you known this gentleman?—About five years.

In your judgment, and from your knowledge of his character, is he a person to be believed upon his oath?—I cannot say that he ought not to be believed upon his oath; in the few transactions I had with him, I found him very irregular.

Lord Ellenborough.—Irregular in money transactions?—Yes; he seldom fulfilled his engagements with punctuality.

He was not a punctual paymaster?—No.

Mr. Wetherell.—That is not his real name then, is it?—No, it is not.

How does he spell his name?—J. W. Heywood.

This is Heyward?—Yes, it is.

Mr. Wetherell.—In consequence of what has passed, I shall take the liberty of submitting to your lordship, whether we have not a right to

have the evidence of Mr. Heyward struck out. Your lordship knows, the crown can examine no witness unless his description is properly given. Now if it turn out afterwards that the witness whose name is inserted in the list is not the person, and not of the business of the person examined, the prisoner has not had that notice which the law requires.

Lord *Ellenborough*.—The objection should certainly have been taken in the first instance; otherwise a party may take the chance of getting evidence that he may like, and if he dislikes the testimony, he may afterwards endeavour to get rid of it upon the ground of misdescription.

Mr. Justice *Abbott*.—I will tell you why it cannot be taken now; the witness might have told you, if he had been asked, that he sometimes writes his name one way and sometimes another.

Mr. Justice *Holroyd*.—Objections to disqualify a witness, such as questions of interest or description, should be taken in the first instance.

Mr. *Wetherell*.—It being a question quite new under the statute of queen Anne, I thought it necessary to state it to your lordship.

Lord *Ellenborough*.—Do you know the difference of the two brothers?—He has no brother living now.

Mr. *Gurney*.—So he stated.

George Spurrell sworn.—Examined by Mr. *Wetherell*.

Do you know a person going by the description of John Heyward, abiding at No. 6, Stangate-wall, Lambeth, in the county of Surrey, stock-broker?—Yes.

From your knowledge of his character, in your judgment is he a person to be believed on his oath?—I know him to be a rogue.

You know him to be a rogue; but cannot go further?—I know him to be a rogue, and can prove it.

Mr. *John Scott* sworn.—Examined by Mr. *Wetherell*.

Are you a short-hand writer; are you a reporter to any newspaper?—I report for the Morning Advertiser.

Did you attend the second Spa-fields meeting on the 2nd of December last?—I did the first Spa-fields meeting.

Did you attend the second?—I attended on the second.

Did you go there for the purpose of taking notes of the speeches made?—I did.

How near did you get to the waggon from which the speeches were made?—It was the first Spa-fields meeting.

I wish to ask you as to the second?—It was the first at that place that I attended, and I did not know where the meeting was to be held; on entering the field I saw some people around a waggon.

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Let us get up to the waggon as quickly as we can: how near did you get up to the waggon?—I cannot say, indeed, I was very much pushed about. At one time I might be as near as I may be to the jury.

Were you pushed from that situation, or did you maintain your ground and keep in that situation?—I could not maintain my ground for a minute, there was a constant current of people going towards the other meeting. I went to that place seeing a gentleman speaking. I took it to be Mr. Parkes, called Parson Parkes. I made up to the waggon, and it was the prisoner at the bar, as I perceived; I had never seen the gentleman before.

Without this long report, we will come to the short point. You could not maintain your ground on account of the pushing of the mob?—I could not.

Did you endeavour to take a note of the speeches delivered from the waggon?—I did not; I never do in a mob, very rarely; I merely listen; I do not attempt it.

Could it have been done with convenience on that occasion?—No, I think not.

Could a short-hand writer, in the situation in which you stood, have conveniently taken a note?—I certainly could not.

You are as skilful a note-taker as any one; I take it you have been long in it?—Right years.

You could not take a note.

Mr. Justice *Abbott*.—He says he never does.

Witness.—In a common hall, or any mob, I do not take a note.

Mr. *Wetherell*.—On account of the pushing could you distinctly hear the speech made by Mr. Watson from the waggon?—I staid about ten minutes, and I could not hear distinctly. At one time I was pretty near, and at another I was not. I could not hear any one sentence. Mr. Watson appeared to be complaining of the prince, as far as I could understand.

Could you hear any one distinct sentence?—I could not.

Mr. *John Scott* cross-examined by Mr. *Attorney General*.

Who spoke after the elder Mr. Watson?—I left him speaking. I ascertained that that was not the appointed meeting, and I went away to the Merlin's Cave.

Mr. Justice *Bayley*.—What time of the day was this?—I think about a quarter after twelve. I then proceeded to the Merlin's Cave.

Lord *Ellenborough*.—You do not think you have recollection enough of what was said respecting the prince to give us any account of it?—I could not. I never had my attention drawn to it till the Monday.

You recollect generally that that was the subject?—No, I never had my attention distinctly drawn to it till last Monday.

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Mr. Samuel Steers sworn.—Examined by
Mr. Wetherell.

Do you know Mr. Dowling, the short-hand writer, who has been examined upon this trial? —I know Mr. George Dowling. I do not know whether he has been examined here of my own knowledge.

George Vincent Dowling?—Yes.

Lord Ellenborough.—Vincent George Dowling, that is the same person, I suppose?—Yes.

Mr. Wetherell.—Has Mr. George Vincent Dowling had any conversation with you on the subject of his expectations of a place or an office?—No, I cannot say exactly so. If you will allow me, I will tell you, as nearly as my recollection will enable me, the conversation which took place.

Mr. Gurney.—The question I submit is to be pointed to something to which Mr. Dowling has been examined.

Mr. Wetherell.—Mr. Dowling has said he had no expectation of an appointment; I am going to put the question upon that.

Mr. Gurney.—If my learned friend will put the question so as to point it to that, I have no objection.

Mr. Wetherell.—The witness says he had rather state it in his own way, or I was going to put the question, has he stated to you any expectations of a reward or remuneration from government?—He stated, that in consequence of his connexion with these prosecutions, the treason prosecutions (that was the substance) and of the part which he had in the crown prosecutions, he had been introduced to the home department; that that was the way in which he had been introduced to the home department, and that it had led him to employment, I understood, as a short-hand writer for himself and brothers, I believe, or brother. I cannot speak confidently as to the amount. My impression is, that he stated it to be of the value of 300*l.*; but as to the amount, I beg to be understood not to be concluded; for I am not clear as to the amount.

Is his brother's name George; what is his brother's name?—I know only one brother—

That this circumstance led to an employment yielding 300*l.* Did he state this to have happened in consequence—

Mr. Justice Abbott.—He has told you; you have his own words.

Mr. Wetherell.—I beg your lordship's pardon.

Lord Ellenborough.—Have you any contradiction to offer to the evidence?

Mr. Wetherell.—I have nothing further, my lord. The case for the prisoner is closed.

Mr. Sergeant Copley.—Gentlemen of the jury, I speak most unfeignedly when I say,

that I have not words adequately to express what I feel at this moment. I have been called upon to assist, as counsel, in a cause which, in the circumstances with which it is attended, and in the consequences to which it may lead, is one of the most important that has ever occurred in the history of the jurisprudence of this country; a cause of infinite moment to the prisoner at the bar—whose life and character—every thing that can be valuable to him as a man, and as a member of the community—are at issue, and depend upon your verdict; and I feel, therefore, almost sinking under the apprehension, that my powers may not enable me to do justice to such a cause, or to conduct it in the manner that the occasion demands. But I am cheered and animated upon this occasion when I advert to the persons to whom I am now addressing myself. I am addressing myself to an English jury, the best guardians of the liberties of the country. I am addressing myself to a jury, drawn from the most upright and independent class of the community. I am addressing myself to an assembly of gentlemen, who, from the patience which they have exhibited—from the vigilance which they have exercised—from the acuteness and penetration which they have displayed throughout the course of this long and complicated inquiry, have afforded abundant evidence to the world, that they are the very best tribunal that could have been constituted for the decision of such a cause.

It is to you then, gentlemen, that I look for support—it is to you that, on behalf of the prisoner and the public, I trust to supply my deficiencies—I rely upon your attention and sagacity, the undeviating rectitude, and the unshaken firmness of your principles and conduct.

You will permit me, before I proceed to consider the merits of this question, to put you upon your guard against any impressions which you may, without being sensible of it, have received from without doors, before the commencement of this trial. I am sure that you have every disposition and wish to come to the decision of this question, with minds completely unfettered and unbiassed. I shall be excused, however, in suggesting this caution, because, in the present state of society and of the public press in this country, it is almost impossible that a cause of this nature should not have been discussed and agitated, and perhaps to a certain degree prejudged. I feel confident, however, that upon this occasion you will, as far as possible, dismiss every previous impression from your minds; that you will direct your attention solely to the evidence, by which alone, I am persuaded, your verdict will be governed.

It is the more necessary that you should be upon your guard in this respect, from circumstances which are known to us all. It is matter of public notoriety, that reports have been published by secret committees appointed by both houses of parliament, upon questions

closely connected with the present charge; these reports have been industriously circulated throughout the country, and may have met your attention. It is well known, that in consequence of those reports, the Habeas Corpus act, one of the main pillars of our constitution, and the best protection of the personal liberty of the subject, has been suspended. I beg and entreat, that you will not suffer any considerations, arising out of those reports and circumstances, to influence your verdict. I intreat and implore you, carefully and anxiously, to dismiss all such considerations from your minds. I am old enough to recollect that, in the year 1794, the trials for high treason at the Old Bailey, to which allusion has been made in the course of this cause, had been preceded by similar publications. I well remember, the juries who sat upon those celebrated trials were cautioned by the counsel for the prisoners (men of the highest eminence and talents) against suffering their minds to be biassed by those reports. The appeal was not made in vain—the juries of that day did not suffer themselves to be misled by influence or authority—they directed their attention to the evidence alone—and they ultimately pronounced, as the result of a most painful and laborious investigation, those verdicts of acquittal which, though they might be cavilled at by some interested persons at the time, have, I will take upon myself confidently to assert, been crowned with the approbation and applause of every friend to the laws, the liberties, and the constitution of the country.

There is another consideration which I shall take leave, at the outset, also to impress upon your minds. Whatever your opinions may be with respect to the prisoner at the bar; if you should feel that he has misconducted himself in any respect; if you should condemn, as you must do, those riots and disorders which have been committed; and if you should think that he was in any degree implicated in them—still I am sure you will not suffer these considerations so to operate upon your minds, as to hurry you into a conclusion of guilt, unless you are fully convinced that he has committed that precise description of offence, which is charged against him upon this record.

It is a principle of the criminal law of England, and indeed of the law of all free states, that every species of offence should be defined with the utmost possible precision. But, if this principle be applicable to the criminal law in general, it applies, as you must be sensible, with peculiar force to the crime of treason, the highest offence of which the law takes cognizance. Here, every thing must be traced out and defined with the most scrupulous accuracy, with such clearness and precision as to render all mistake impossible, and that every person implicated in this crime may at once know the full measure and extent of his guilt. The severe punishment inflicted upon the offender, the details of which are too dreadful for recital, renders this peculiarly

necessary. It is rendered still more necessary upon another account. In cases of this nature, the state is the prosecutor; all the power, authority, and influence of government are set in opposition to the party accused; he has to contend against the first legal knowledge and talents of the country, which are always enlisted in the service of the crown. All these powers are arrayed against him, and he has therefore no secure defence, no refuge, except in the precise language of the law; in the clear and accurate description of the offence; except in finding the limits and boundaries of the crime so minutely traced as to afford no opportunity for refinement, no room for ingenious speculation or for plausible and fallacious argument. The charge must be so made out, that it may be at once apparent to men of plain and ordinary understandings, that he either has or has not committed the offence of which he stands accused. In what I am now saying, I am not speaking my own language and my own sentiments alone; I am repeating the language and the sentiments of every eminent writer, of every distinguished lawyer who has considered this subject. Upon such a point, where there is so complete a uniformity and concurrence of sentiment, it is difficult to select. Mr. Justice Blackstone observes, speaking of the crime of treason, “As this is the highest civil crime, which (considered as a member of the community) any man can possibly commit, it ought, therefore, to be the most precisely ascertained, for if the crime of high treason be indeterminate, this alone (says the president Montesquieu) is sufficient to make any government degenerate into arbitrary power.” And here, gentlemen, you observe Mr. Justice Blackstone cites not a writer upon the law of England, or upon this or that particular code, but a writer upon general law, living too in an arbitrary state; who considered this question as a philosopher, and as a philosopher came to this necessary and inevitable conclusion. Mr. Justice Blackstone proceeds thus, “and yet by the ancient common law there was a great latitude left in the breast of the judges to determine what was treason or not so, whereby the creatures of tyrannical princes had opportunity to create abundance of constructive treasons, that is, to raise by forced and arbitrary constructions, offences into the crime and punishment of treason, which never were suspected to be such.”* You will, I am sure, bear these principles in mind throughout the whole of this inquiry.

The foundation of the law of treason, as it at present stands, is the statute of 25 Edward 3rd, to which such frequent reference has been made in the course of this trial. Before the passing of that statute, as it appears by the passage I have just cited to you, the law of treason was in the extremest degree vague and undefined. Accroaching upon royal power, was in those days one of the usual charges of

* 4 Comm. 75.

treason. A charge so ambiguous and indeterminate, as lord Hale observes, that no person knew what it meant, or against what he was to defend himself. That great judge and constitutional lawyer, whom to name is to honour, after citing a great variety of other instances of extraordinary treasons which existed in those days, concludes in these words, "by these and the like instances that might be given, it appears how uncertain and arbitrary the crime of treason was before the statute of 25 Edward 3rd, whereby it came to pass, that almost every offence that was, or seemed to be a breach of the faith and allegiance due to the king, was, by construction, and consequence, and interpretation, raised into the offence of high treason. It appears, therefore, that previously to the passing of the statute of 25 Edward 3rd, almost every word or act that might give offence to the king, or to the ministers of an arbitrary government, was, by construction, wrested into the crime of treason. It was for the purpose of putting an end to the monstrous evils of this system, that the statute of Edward 3rd was passed. By that act the offences which constitute high treason, were for the first time precisely defined. "To compass or imagine the death of the king," that is, to form a deliberate design of taking away the king's life, is declared to be high treason. "To levy war against the king in his realm," this also according to the statute of Edward 3rd, is high treason. It is not necessary to run through the other treasons contained in this statute, because they have nothing to do with the present case. "To compass or imagine the death of the king." "To levy war against the king in his realm," these are the words of the statute; they are so plain and distinct, that it would be difficult to mistake their obvious import, and of which I am persuaded you will never lose sight in the progress of this investigation.

But, gentlemen, let me direct your attention again to this act of parliament; so absolutely necessary did the legislature at that time consider it, to throw a shield around the subject, in the case of accusations of this nature, that they went out of their way to do that which I believe is not found in any other act of parliament in our books, that is to refer to the nature and description of the proof. The prisoner must be "provably attainted of open deed by people of his condition;" these are the words of the statute. So that by this memorable law, not only the offence but the nature of the proof by which it is to be established, is pointed out and defined. Upon the force of these words, "provably attainted," lord Coke a great prerogative lawyer, but who, when he retired from public life and compiled works in his closet for the benefit of posterity, wrote with that liberality which is so congenial to the spirit of our constitution, laboriously comments in the terms already stated to you by my learned friend. "And of this be provably attainted of open deed by people of their condition." "In this branch," he says, "four

things are to be observed—First, this word, provably, that is, upon direct and manifest proof, not upon conjectural presumptions or inferences, or strains of wit, but upon good and sufficient proof; and herein" he says (for he goes on with a species of anxious tautology) "the adverb (provably) provably hath a great force, and signifieth a direct and plain proof; which word the King, the Lords, and Commons in parliament did use, for that the offence was so heinous and was so heavily and severely punished, as none other the like, and therefore the offender must provably be attainted; which words," he says, "are as forcible, as upon direct and manifest proof. Note, the word is not probably, for then *commune argumentum* might have served, but the word is provably be attainted." You perceive, therefore, gentlemen, the care and circumspection of the legislature; first, that the offence should be precisely defined; and secondly, that the mode of proof should be of the most plain and direct description; that nothing should be left to influence or conjecture, but that the proof should be such as not to leave a shadow of doubt in the minds of those who are to pronounce upon the guilt or innocence of the accused.

This statute of Edward 3rd has always been considered as one of the most important in our books. The parliament in which it was passed, was called, as lord Coke says, "The blessed parliament," for having given birth to so admirable a law, inferior, as he observes, to Magna Charta alone; and he adds, that all subsequent legislatures who have had occasion to refer to it, have agreed in magnifying and extolling "this blessed Act." You must perceive then, gentlemen, the great importance of the subject, the necessity of extreme caution and attention with respect both to the charge and the proof, and that every part of the case must be established by evidence of the plainest and the most demonstrative character.

Notwithstanding, however, this act of parliament, and these noble provisions that were made for securing the liberty of the subject, such is the natural tendency of all power to aim and labour at its own extension, that almost immediately after the death of king Edward 3rd a great variety of new treasons were introduced, partly by the corrupt decisions of the tribunals of those days, and partly by the subservience of the legislature. These, however, were all swept away in the first year of the reign of Henry 4th, and the law brought back to the precise standard at which it had been fixed by statute of Edward 3rd. The same mischievous course was, however, after a short interval again pursued. These events and circumstances afford a salutary warning. They show the necessity of extreme vigilance and firmness to preserve entire, these securities which have been established for the preservation of our liberties. For notwithstanding the act of Henry the 4th, by which the law of

treason was brought back to its original standard, a new volume of treason was introduced between that period and the accession of queen Mary, more extravagant and absurd, if possible, than any which had preceded them. But these were, at length, abrogated, and the law was once more restored to its true standard. Why, gentlemen, do I direct your attention so anxiously to this part of the subject? Why do I press it so repeatedly and so earnestly upon you? Because I feel how important it is to the decision of this cause, how important it is in a constitutional view of the question, because I wish to impress upon you the necessity of bearing in your minds, to the end of the inquiry, the absolute necessity of distinctness and precision, both as to the offence itself, and as to the evidence by which it is to be established against the party accused.

Let me now turn your attention for a moment to this indictment. It consists of Four charges, and I really cannot forbear repeating what my friend Mr. Wetherell has already stated, that in point of length it is an indictment without example in the history of the country; I mean without example with respect to indictments for high treason. I have taken some pains to examine and inquire, and I have not found one which in any degree approaches it, in point of extent and prolixity.

Mr. Watson is charged, first, with an intention to put the king to death; secondly, with intending to depose the king: thirdly, with levying war against the king; and lastly, with conspiring to levy war in order to compel the king to change his measures. It is necessary in indictments for treason, that the facts meant to be given in evidence, and insisted upon as proof of the traitorous intent, should be stated upon the record. These are called overt acts. In this indictment they are fourteen in number, and the same overt acts are laid in respect of each charge. What does the attorney-general then in fact say? I shall call upon the jury to infer from these acts—what? First, that the prisoner compassed and imagined the death of the king; that is, to put the king to death; but this he feels to be too extravagant, he cannot persuade himself to believe that the jury will come to such a conclusion; he therefore says, if they will not do that I shall then call upon them to infer from the same facts, that the prisoner conspired to depose the king; and if they will not do that, I shall then call on them to find still from the same facts that he conspired to levy war to compel the king to change his measures. Gentlemen, it does, I confess, appear to me from this indictment, that the crown lawyers were not very confident as to any one of the charges, but that they hoped by throwing the net as widely as possible, to give themselves some chance at least of catching a verdict.

Next let us consider these different charges. The first charge to which I shall direct your attention, is that of actually levying war against the king. It appears to me that that charge

will involve the whole case, for if you do not believe that war was actually levied, I think you will upon the facts of this case, be of opinion that there was no conspiracy to levy war for any of the purposes stated upon this record. Now, gentlemen, let me ask you this plain question; you all live in this metropolis—you were all acquainted with the circumstances of this riot, immediately, or at least within twenty-four hours after it had taken place; you knew, for they were stated in the public papers, every fact that had occurred. Did it then strike any one of you, or can you now bring yourselves, as men of plain and sound understandings, to conceive that these facts amounted to a levying war against the king—a flagrant civil war, as the attorney-general has styled it? What amounts to a levying war, may perhaps be difficult to define. It depends upon a variety of circumstances. But of this at least I am sure you feel convinced, that the circumstances which occurred in this instance, do not amount to a levying of war; that, in plain understanding and according to the usual acceptance of terms, it was not a levying of war against the king.

But let us proceed a step further, let us inquire what was the opinion of the law officers of the crown upon the subject; this point has been ably discussed by my learned friend. Almost every fact proved on the present trial, with the exception of the circumstances arising out of the evidence of Castle, to which I shall hereafter advert, was known to them within a few hours after the transaction had taken place. They knew, in common with the rest of the public, all those circumstances of outrage which have been detailed to you by the evidence of the different witnesses for the crown; they were aware of the placards and advertisements by which the meetings had been convened; they knew the very terms of the speeches delivered by the two Watsons, for they had been communicated to the secretary of state by Mr. Dowling; they knew of the waggon, of the ammunition, of the tri-coloured flags, of the violence at Beckwith's, of the affair at the Exchange; of what had taken place in the Minorities and at the Tower. That very night Mr. Watson was apprehended, the papers, which have been produced, were taken from his pocket; the lodgings of the younger Watson were examined and ransacked a few days afterwards, and the papers and drawings, upon which so much observation has been made, were discovered. All these circumstances, which have been so much insisted upon, were well known to the government and its advisers, immediately after they occurred. What then was their conduct? Did they consider those facts (for I am now considering them as distinct from the evidence of Castle, to which I shall hereafter advert), as constituting a levying of war against the king? Did they apprehend or commit the prisoners upon any such charge, or institute a course of inquiry directed to this object? Quite the reverse. Did this then arise from any inattention or negligence on the

part of the law officers of the crown, from their taking only a general or superficial view of the case? No such explanation can be given of their conduct; the particulars of the disturbance were investigated from day to day, and from hour to hour; all the details were sifted and examined; and two different prosecutions were instituted as the result of this investigation, one for felony and the other for a misdemeanor; but for upwards of three months, and until a short time before the suspension of the Habeas Corpus act, they never dreamt of directing a prosecution against these prisoners for high treason. What is the inference then that we are to draw from these circumstances? why, that the law officers of the crown did not consider that the facts which were publicly known, amounted to a levying war against the king. The previous preparations, the speeches, the flags, the acts of riot and violence, and the other circumstances to which I have already adverted, they did not consider as a levying of war, or they did not properly discharge their duty to their sovereign, by the course which they pursued; and no individuals who ever filled those high situations, were less likely to have been negligent of their duty than the persons to whom I allude. All this I admit is independent of the evidence of Castle, but as to his testimony I am quite sure you will not give credit to it for a moment, you will expunge it from your notes, you will efface it from your recollection. No, gentlemen, I am doing injustice to the prisoner, in calling upon you to blot the evidence of Castle from your minds; I am weakening and betraying his cause: On the contrary, I entreat and implore you to impress every word of it deeply on your memories, for it gives a stamp and a character to this cause, such as I dare not trust myself with naming; but I will leave it to you to say by your verdict, what that cause must be which stands in need of such evidence for its support.

Now, gentlemen, let us pause for a moment, and inquire what levying war is. Lord Hale, in his admirable essay upon the law of treason, says, "What shall be a levying war, is, in truth, a question of fact, and requires many circumstances to give it that denomination, which may be difficult to enumerate or to define;" it is a question of fact, and requires many circumstances to give it that denomination. He goes on: "One species of levying war, is expressly and directly against the king; as raising war against the king, or his general, and forces, or to surprise or injure the king's person, or to imprison him, or to go to his presence to enforce him to remove any of his ministers or counsellors, and the like." These are instances of a direct levying of war against the king; but there is also, it seems, a constructive levying of war. Upon this point I entirely concur in what was said by lord Kenyon, as counsel for lord George Gordon, that when this act of parliament, the statute of Edward 3rd, was passed, it never occurred to the

legislature of those days, that there could be such a thing as a constructive levying of war, within that act.* I admit, however, that there are certain cases in which it has been so decided; and it being decided, we must abide by them. But let us examine for a moment, and see what they are: I hope, in so doing, you will not think I am unnecessarily occupying your time; for it is most material that we should be precise, and should understand accurately what the charge is which the prisoner is called upon to answer, and what is the law as applicable to such charge.

It is said, if there be a rising for the purpose of pulling down all meeting-houses, or of throwing open all enclosures, this, on account of the generality of the object, is a levying of war, a constructive levying of war. You will remember, that the statute of Edward 3rd makes no mention of these constructive levying of war. How then did they originate? You will be surprised to learn, that the first decision on this subject, and upon which the whole of this system of constructive treason is built, occurred in the reign of Henry 8th. It is a case very imperfectly stated; but it appears to have been determined, that a general rising, for the purpose of increasing the wages of labourers, was a levying war by construction. But when was this case decided? In the reign of the most arbitrary monarch who ever sat upon the throne of this country; it was decided too, at a time when the judges were in a state of complete subservience to the crown; when they were liable to be removed upon the least displeasure or slightest caprice of the king; at a period when it was not unusual for the judges to be sent for, and to confer in private with the sovereign, in any prosecution in which he took an interest; it was decided at a time when it was the practice to new-model the bench, with a view to the decision of any particular question; it was at such a period that this principle of levying war by construction, was introduced and established. You will not therefore conceive that it is entitled to any great respect.

The next case occurred in the prosperous but arbitrary reign of Elizabeth, not indeed under the statute of Edward 3rd, but under a temporary act passed in the reign of that queen; and upon those two cases the doctrine of levying war constructively, has been built.

But what is the language of lord Hale, our great constitutional light and guide, upon the law of treason? In speaking upon this subject, after referring to the two cases which I have mentioned, he says, "These resolutions being made and settled, we must acquiesce in them; but in my opinion, if new cases happen for the future that have not an express resolution in point, nor are expressly within the words of 25 Edw. 3rd, though they may seem to have a parity of reason, it is the safest way, and

* *Vide* Lord George Gordon's case, 21 How. St. Tr. 547.

most agreeable to the wisdom of the great act of 25 Edw. 3rd, first to consult the parliament, and have their declaration, and be very wary in multiplying constructive and interpretative treasons for we know not where it will end."

There is indeed, another case that occurred previously to that work of lord Hale's, but which I am sure upon the facts, as they are related to us, will not be considered as law. It is a case of a great number of persons tumultuously assembling, one of them with a drum, and going to attack the palace of the archbishop of Canterbury, and threatening to tear him to pieces. Mr. Justice Foster, in his valuable work, makes various conjectures, for the purpose of endeavouring to reconcile and explain this case; but at last he concludes by saying, "without the help of some such supposition, I see nothing in the case, as stated by the report, which can amount to high treason." In fact, the case which is known by the name of Benstead's case, is, from these and other circumstances, deserving of very little attention; it occurred in times of great party heat and violence, just before the breaking out of the civil war, and at a period when, as it is well known, the judges were in a state of complete subserviency to the crown. It is impossible therefore from these circumstances, and the opinion of Mr. Justice Foster, that any principle can be safely deduced from it.

But, gentlemen, if we are compelled to admit upon the authority of these cases, and of two or three others of a similar description, that there may be such a thing as a levying of war by construction, yet, according to what lord Hale has said in the passage to which I have referred, those cases should not be extended and applied as authorities, by any parity of reasoning, where the circumstances are not precisely similar. "We must be wary," these are the words of that great and venerable judge, and they cannot be too often repeated, "in multiplying constructive and interpretative treasons, for we know not where it will end." In all these cases too, of levying war by construction, you will observe that there is a precise and definite object. If it be a levying war for the purpose of throwing open all enclosures, or demolishing all meeting-houses, or of compelling the repeal of any particular law, the object is distinctly defined. There is nothing of this nature in the present case, and therefore the circumstances and the principles of those decisions are wholly inapplicable. What then is the question which you are to try? Not whether these parties have been guilty of a riot, which by construction is to be interpreted and magnified into a levying of war, but whether (and in what I now state I am sure I shall meet with the concurrence of their lordships) they were actually engaged in a levying of war for the purpose and in the prosecution of an intention of overturning the state, and destroying the whole frame of the government, in the manner which has been stated by the attorney-general. If

you believe that war was levied as the result of a previous conspiracy, with the view and object and for the purpose which I have stated, then you may find the prisoner guilty; but if you shall be of opinion that this was a mere tumult and riot (however violent and criminal) without any specific design, with a view to undefined mischief, and not aiming at the overthrow of the government of the country, which is too ludicrous and absurd for serious consideration, you will say that the case is not made out against him, and pronounce that he is not guilty of this charge. This then is the issue which you are to try.

Let us then consider the case in this view. The charge against the prisoners is, that they levied war against the king, for the purpose and in prosecution of a design, and with the expectation and hope, of overturning the government. This is supposed and confidently asserted to have been the object of these conspirators; but mark their conduct, and see whether it can be reconciled with this extravagant supposition. There had been a previous meeting at Spa-fields on the 15th of November; fourteen days notice was given of the second or adjourned meeting; every publicity was given to it, and every step taken to arouse the vigilance and awaken the alarm of government, and these parties are therefore supposed to have formed a design to overturn the government, and to have levied war for that purpose, and at the same time to have taken pains to put them upon their guard in order that they might be prepared to oppose them. Is there any sense in such a supposition? can you believe so improbable a fiction? They must have known, as the fact turned out, that the whole military force of the country would be in a state of preparation for the purpose of opposing them; that troops would be drawn to the metropolis; that artillery would be collected; that the whole civil power would be assembled for the purpose of frustrating their design; and yet you are to suppose that they who intended by force of arms to subvert the whole government, have given public notice to that very government (as if by way of challenge and defiance) to be prepared to meet them. How do you reconcile these things? Are you to suppose them idiots as well as traitors, uniting the extremity of folly with the extremity of wickedness? I am persuaded you will feel that this conduct is not to be explained, except by disbelieving that they entertained the criminal projects which are imputed to them.

But it is said, these are desperate men, and that desperate men will engage in desperate enterprizes; that they not unfrequently overlook the intermediate difficulties in the eagerness with which they pursue their ultimate object. This is a sort of moral apothegm, thrown out by the attorney-general. Be it so; but do they make choice of difficulties, as if for the pleasure of overcoming them? Desperate men do not pursue that course. Desperate

may indeed be drawn into situations, in which they are compelled at once to act; but here they have themselves created the difficulty, and by their own voluntary act prepared the obstructions to their supposed design. It is they who gave notice to ministers; it is they who armed government, and put it in a complete state of preparation. They must have foreseen all this. Is it possible then to reconcile their conduct with what is imputed to them? Is it possible after this to believe, that they had formed a deliberate plan of waging war against the king on the second of December, for the purpose of dislocating and destroying the whole state and government of the country? For that is the offence which the prosecutors charge against the prisoners; that is the design which they impute.

And here, let me again remind you, that it is not because a riot has been committed, because there have been tumults, and violence, and outrage, that therefore war has been levied. In order to constitute a levying of war, there must have been a deliberate purpose and design, such as I have before stated. I will not again allude to cases of constructive levying of war; but this is the vital principle which is essential to constitute the crime of high treason. There are many instances of riots infinitely more mischievous and destructive than those which we are now considering, and which were never supposed to amount to treason. My learned friend, Mr. Wetherell, alluded to some of them yesterday, and no instance can be stronger or more striking than that of lord George Gordon. You recollect, no doubt, the history of those disturbances; forty or fifty thousand men marching in columns, with colours and military music, up to the doors of the House of Commons, and afterwards keeping possession of the capital for a fortnight together. Were there any prosecutions for high treason grounded upon those riots? With the single exception of lord George Gordon himself, to which case I shall presently refer, there were none, mischievous and abominable as those riots were, for they wanted the essential principle of treason—a fixed, precise, and determinate object. It was not because they were not mischievous; it was not because they were not productive of great and incalculable evil; but because they wanted this principle, the essential characteristic of treason. Lord George Gordon was, indeed, tried; but he was acquitted; because however improper and mischievous his conduct, the jury were of opinion, and it was put fairly to them by lord Mansfield, that he had no treasonable object in view.

The statute of Edward 6th has been referred to by my learned friend Mr. Wetherell. Look at the language and provisions of that statute, and observe what enormous and mischievous riots may exist, without their amounting to the crime of high treason. Mr. Justice Blackstone, referring to the statute of Edward 6th and other acts which he mentions, observes, "that

these statutes specified and particularized the nature of the riots they were meant to suppress; as for example, such as were set on foot with intention to offer violence to the Privy Council, or to change the laws of the kingdom, or for certain other specific purposes." In the time of Edward 6th these offences were made high treason, by a statute passed in the reign of that monarch. Now, if they were made high treason by that statute, it is clear they were not high treason before; that they were not high treason under the statute of 25 Edward 3rd. But this statute of Edward 6th has been long since repealed, and those riots and offences, which were declared by the statute of Edward 6th to be treason, have, by subsequent acts, been made felony.

The riot act has also been referred to. That statute was passed for the purpose of preventing, according to the preamble of the Act of Parliament, rebellious riots and tumults. These are the words: "Whereas of late, many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his Majesty's person and Government, and the same are yet continued and fomented by persons disaffected to his Majesty, presuming so to do, for that the punishment provided by the laws now in being, are not adequate to such heinous offences; and by such rioters his Majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from his Majesty; therefore for the preventing and suppressing of such riots." What riots and tumults? Rebellious riots and tumults. So that even rebellious riots and tumults may take place, as appears by this act, without the parties being implicated in the crime of treason. It is not therefore merely the mischievous and destructive nature or character of the riot, that constitutes the crime of treason; but it must have a distinct object; there must in this case be proof of an intention and plan to subvert the state and government of the country; and if that is not made out, no case of high treason is established against the prisoner at the bar.

I have stated, and perhaps too often, what the question is; that it is absolutely necessary, in this case, not only to establish, that disorder, outrage, and tumult, have been committed, but that it was in prosecution of a settled purpose of overturning the government. That is the proposition I have laid down; that is the proposition to which I beg leave continually to recur; for it is by reference to that proposition that this cause must, I apprehend, be decided. Now, let us recollect for a moment, and see upon what this supposed conspiracy rests; where is the evidence of it, and upon what does it depend? You find it in the testimony of Castle, and in the testimony of Castle alone. Erase the evidence of Castle from your notes,

and there is no proof of any previous conspiracy being formed for the objects stated by the attorney-general. But I repeat, I wish not the evidence of Castle to be expunged; let it remain as a salutary caution, as a light and guide to you in this inquiry; let it be the pillar of fire by night, and the cloud by day, to direct your course through this long and interminable waste of evidence; but blot out his evidence, and there is, literally and strictly, no proof of this supposed conspiracy. It is said, an accomplice may be a witness; I do not dispute it. An accomplice may be a witness; even unconfirmed, he is a witness competent to be heard. A witness of the most infamous character, unless he has been actually convicted of certain specific crimes, and the record is brought into court, may indeed be heard; but it is for you to determine what degree of *credit* you will give to his evidence. Let him be heard; let him be examined; I thank them for calling this witness; I thank them for submitting him to the admirable cross-examination of my learned friend; I thank them for stopping certain subjects of inquiry; all this must satisfy you, that no reliance can be placed upon his testimony. I am sure, that if this were a case not of the immense importance which it is, but if it were a suit instituted to decide the smallest question of civil right, you would not attend or give the slightest credence to such evidence. But in a case of this nature and magnitude, in a case of treason, in a case of the highest description of crime, and with respect to its inflictions and penalties, the severest that the law recognizes—in a case of high treason, I say, to build your decision upon evidence of this character, upon such a witness, and such a treacherous foundation! Is it possible that my friends on the other side can expect it? Is it possible that they can hope, or even wish for it? Can you believe that they could have known the previous conduct and character of this man, when they brought him into court? It would be an insult to your understandings; it would be an outrage to common sense; a mockery of justice, to suppose that the smallest degree of reliance can be placed upon such evidence.

But it is said that he is confirmed; and because he is confirmed in some facts, you are therefore to believe him in the rest. This is a position which lawyers are in the habit of stating in a very unqualified manner; but it is not a position which can be maintained to this extent, according to any principle of common sense. There is no man who tells a long and complicated story, like that which you have heard, who may, and must not of necessity, be confirmed in many parts of it. The witness was upwards of eight hours in giving his evidence, and, of course, stated many facts, which no man denies, which have been in all the newspapers for weeks and for months past; and because he is confirmed in certain particulars, you are therefore required to believe the whole of his story to be true. Is this a proposition

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to be insisted upon? Can it for a moment be maintained to this extent, and in this broad and unqualified way? But, gentlemen, every profession and science has its phrases; the necessary qualifications are by degrees lost sight of, and the worst errors are thus introduced. Let us then look at the mischief of this doctrine, and see the evils and injustice that have arisen out of it. The notorious Titus Oates, the witness for the crown in the trials founded upon the popish plot, in the reign of Charles the Second; that most infamous and perjured wretch, who was afterwards convicted of perjury for his evidence upon those trials, and suffered the punishment of the law for his crime, was confirmed in his testimony in many most important particulars. Unfortunately, the juries, misled in those times of heat and party animosity, were prevailed upon to believe him, and many unhappy persons suffered in consequence the extreme punishment of the law; and murders were committed, under the forms of justice, in consequence of the reliance placed upon the frail and fallacious testimony of a man of that description. You perceive, then, the danger of this doctrine; and that it is not because a man is confirmed in certain circumstances that you can safely believe him as to other facts where that confirmation is wanting.

What is the character of falsehood? who has lived in the world, and has at all examined the operations of the human heart and mind, who does not know that this is the usual and proper character of falsehood—that it does not wholly invent—falsehood engrafts itself upon truth, and by that artifice misleads and deceives—truth is exaggerated—things that exist are discoloured or distorted—these are the usual operations of falsehood: this is a part of its nature, its address, and dexterity. It arises, therefore, out of the very nature of perjury, that it must be confirmed to a certain extent; and it is because there is confirmation in certain particulars, to which particulars I shall, by-and-by, take the liberty of drawing your attention, that you are gravely required to believe the whole of the miserable fictions with which you have been insulted in the evidence of this abandoned wretch.

But let us look with a little more accuracy to the shades and distinctions upon this material point. I beg you to follow me; for it is most important, according to my apprehension of the question. A man may be seduced into the commission of an offence, who had previously maintained a good character; he may repent of his crime, give information, and then come into court as a witness. If the story which he tells, is found to be probable; if he is not only uncontradicted in any facts, but is confirmed in essential particulars; if there are no circumstances of suspicion arising out of the situation in which he stands, a jury may, possibly, upon such evidence, be justified in finding a verdict of guilty. I repeat it, that if the previous character of the man were

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good; that if the story he tells be probable; if it is not proved to be false in any part of it; if he is confirmed in essential particulars, and there are no circumstances of suspicion arising out of the persons with whom he is connected, and by whom he is surrounded, then the jury may give credit to his evidence. Let us then examine the case of Castle by these tests. If you should think I go into this at too great length, I trust you will excuse me, in consideration of the great interest the prisoner has, which the country, which every one of us has, in the event of this inquiry. What is the character of this man? need I enter into the disgusting detail of his crimes? need I repeat the circumstances which have been already disclosed to you? need I do more than recal to your recollection the emotions that you, and the whole audience experienced, during the progress of his examination? I should weaken the impression by referring to particulars. I will undertake, however, to state as the general result of the whole, that a character more infamous, more false, less entitled to credit, from the particular description and tendency of his villainy, never was brought as a witness into a court of justice: such is the general character of the man; this is not a single error, which he is desirous of retrieving; he is a long and practised—I do not like to use hard terms, but upon this occasion, I may say, he is a practised and consummate villain. I hope I do not go beyond, or revolt your feelings, by such an expression. So much as to the first test. His previous character renders any reliance upon his evidence absolutely impossible.

Now let us examine his story. I have said I would not enter into the details of his character; I may say the same as to the wretched tale which he has told. Do you put faith in any part of his evidence, as to this supposed plot? have you the credulity to believe so extravagant and monstrous a fiction, as that of barricading and defending this great metropolis with hackney coaches picked up at midnight, and a drunken mob casually collected at the same hour? This extraordinary military and naval enterprize is so wild, so visionary, so utterly baseless, that it would destroy the credit of a witness of even tolerable respectability; but when you find a story of this kind told by a person of the character of Castle, building this impossible tale on the foundation and rotten base of extreme villainy, does my learned friend expect that you can, for a moment, give credit to it, or find that such a conspiracy ever existed? Do I put it too strongly to you? I wish I could state it with half the strength with which I think I feel it. But the prisoner, in selecting me as one of his counsel upon this occasion, gives the strongest evidence of the conviction he feels of the strength of his cause. He must have known that I possessed no powers of eloquence, and little of the skill of an advocate; he must have known that I could only proceed in a straight

forward course, pursuing the subject in a plain way. I am quite satisfied, however, that you go along with me in feeling that the evidence of such a conspiracy, of such a plot, resting upon the faith of such a man as Castle, is not for a moment entitled to credit.

Another principle and test which I have stated to you is, that the witness must not be contradicted in any material facts. Apply this to the case of the witness Castle. Is he not proved to have stated that which is false in many particulars? You have heard the story told by Mr. Hunt to-day. Has not Mr. Hunt satisfied you, that this man has sworn to falsehoods in things in which he could not be mistaken? Has not Mr. Hunt satisfied you, that there was an intention on the part of Castle to entrap him into the commission of some offence, by which he might be rendered amenable to the laws? Castle told you (and the questions were put most distinctly by my learned friend), that the health of the king was not given at the dinner in Bouverie-street, This did not pass over flippantly. The question was put again and again by my learned friend to him; his attention was drawn distinctly to the fact, and he did in the most positive terms (not saying he did not recollect, that he did not believe) but he did in the most positive terms swear, that it was not given. Mr. Hunt says it was given, and he is confirmed by Mr. Bryant. Castle therefore in this point is most directly and flatly contradicted. But a man may possibly forget a single circumstance: let us therefore proceed. A conversation about soldiers took place; he told you in his evidence that no such conversation passed. Mr. Hunt tells you, and Mr. Bryant confirms it, that there was a most marked conversation about the soldiers, one which led Mr. Hunt to interfere; that he was dissatisfied with his conduct; that he read him a kind of moral or political lecture upon the subject. Here we find him again contradicted on matter that is most important. We are trying his credit, if it is possible to try the question of the credit of such a witness. I wish to try it in every shape, by which truth is to be ascertained and falsehood detected.

Then, he said he did not either fall to sleep in the room, or pretend to fall to sleep. The question was put in such a way by my learned friend, that he could not be mistaken; his attention was directed to it over and over, and over again. He is a third time contradicted. Mr. Hunt has told you, that he was, or pretended to be, so much asleep, that it was impossible to awaken him; that he was pretending, as he thought, for some private purpose of his own, to be asleep; that Mr. Hunt tried to arouse him, and that he struck him a violent blow for that purpose; so that this man who is not to be believed, according to the admission on the other side, unless he is confirmed in his evidence, is directly contradicted, and proved to have told you upon his oath that which is untrue in repeated instances. He is

contradicted also as to the conversation about the French prisoners. I am not selecting casual things which made no impression, but things of importance, to which his mind was expressly directed in the course of the examination. My learned friends remind me of another circumstance, about his being turned out of the room, or threatened to be turned out of the room; that most positively and peremptorily. It is proved by Mr. Hunt, and I believe also by Mr. Bryant, that he was threatened to be turned out of the room, in consequence of the gross impropriety of his expressions and conduct.

But these things are slight and trivial, when compared with the infamy of the circumstance to which I shall beg now to direct your attention. They show, indeed, that he has no regard for the obligation of an oath, and that you can place no secure reliance on his testimony. But recollect that remarkable interview between Mr. Hunt and Castle, on the 2nd of December. I beg to recal the circumstances of that part of the case distinctly to your minds. How does it stand? Castle had been at the Tower; he knew the actual state of the Tower; he was going back to Spa-fields; he met Mr. Hunt; he told Mr. Hunt that the Tower had been in his possession, or in the possession of his friends for an hour, and begged him to return with him for the purpose of co-operating in that project. He denied most positively and most peremptorily when the questions were put to him, that any conversation of that kind passed with Mr. Hunt. It was put by my learned friends in a variety of shapes, that there might be no reserve, no subterfuge, nothing from which he could withdraw himself; he denied it most peremptorily and most positively, in every shape in which the question was presented to his mind. Now, what does Mr. Hunt say? He swears all this took place; he states it to you in the most distinct terms. Remember, gentlemen, I am now talking only of contradiction; I am not adverting to the malignity of the motives of Castle; if I were to touch upon that topic, upon the fiend-like and detestable disposition and views which he appears to have entertained towards Mr. Hunt, and his wish to entrap and ensnare him into the commission of crimes, in order that he might make him his victim—a conduct which he has practised towards some of the persons now standing before the country for their deliverance—that alone is a circumstance which deprives him of all confidence and all title to credit, before any rational tribunal in any civilized community.

But let us pass on: there is another test which I have submitted to your consideration as applicable to cases of this kind, namely, whether the party stands in circumstances of suspicion at the time he is giving his evidence. In what situation does Castle stand at this moment, according to his own representation? He is in the care and custody of the police of

Bow-street; the police of that office of which the notorious Vaughan* and his associates were members. He is clothed by them, he is fed by them, he goes about to collect evidence with them. He states that money was given to him to enable him to send his wife into Yorkshire, for some purpose which he does not choose to communicate; he refuses to inform us what the motive was; but I have strong suspicions upon the subject. It was expected that he might be tried for an offence with which he has been charged; an accusation had been made, and it might have been necessary, in case of a prosecution, to have identified the person of this woman, and for the purpose of avoiding that which would have had the effect of entirely destroying his testimony in this cause, and which would have rendered him incompetent to be heard as a witness, she was sent into Yorkshire. I do not state this as a fact, because I do not with certainty know it; but I have my suspicions upon the subject, and I think you will entertain the same. I do not perceive on what other ground the money could have been advanced by the Bow-street police, for the purpose of sending this woman into Yorkshire, more particularly when she was a material witness, who might have been called for the crown upon this occasion, and confirmed the testimony of her husband, if his story were true.

Thus every test by which the credit of the witness is to be tried, fails upon this occasion. His previous character is proved to be infamous; his tale is utterly incredible; he is contradicted in many important facts; he stands in a situation and under circumstances of great suspicion; lastly, then, is he confirmed in essential parts of his evidence? It is contended that he is so confirmed. Let us look to the circumstances of confirmation, and see whether, independently of the other objections which I have submitted to you, those circumstances are such as to satisfy your minds that a secure reliance may be placed upon the rest of his testimony—not whether you may entertain your doubts and suspicions, for this is a criminal charge; it is not to be decided by doubts or suspicions—it is a case of the highest magnitude; it is to be provably established; not made out by inference, not by strains of wit, to refer again to the words of lord Coke, but by plain demonstrative proof. Let us then refer to the circumstances of con-

* See in the Periodical Publications of the day the trial of George Vaughan, Robert Mac Kay, and George Brown at Hicks's Hall, September 21st 1816; the trial of John Dannelly and George Vaughan at the Old Bailey, September 24th 1816; the trial of Benjamin Johnson, at the Old Bailey on the same day; and the trial of Thomas Brock, John Pelham and Michael Power at the Old Bailey on September 25th 1816. See also 37 Hans. Parl. Deb. 645.

firmation : and here I shall confine myself, in the first instance, to the great plot ; that plot which is supposed to have been abandoned. What is the story he himself tells of the case ? " Mr. Watson introduced himself to me ; " it seems he did not know Mr. Watson before ; he had seen him ; but his expression was, " Mr. Watson introduced himself to me by saying, what a very easy thing it would be to overturn the government, if it were well managed. " What ! one man introduce himself to a stranger in that way, without any previous acquaintance, without even knowing his residence, without feeling his pulse, without trying his temper and disposition and character ? Is it within the ordinary rules of probability, or even of possibility, that this can be true ? Do you believe it to be true, that Mr. Watson introduced himself by so preposterous a proposition ? But let us see what happens the next day : the next day Watson calls upon him, without any thing further passing between them, and produces a drawing, as it is said, of a machine to destroy the cavalry, and a plan of the Tower. You have seen the drawing of this machine, and you have also seen this supposed plan of the Tower ; whether it be a machine to destroy cavalry, or for any other purpose, is mere matter of conjecture. It does not appear, nor can it be collected from the drawing itself : that it was intended for that purpose, rests solely on the unsupported testimony of Castle. But let us examine this further : these papers were taken on the 5th of December by the Bow-street officers. " Castle has been under the care of the Bow-street officers for two or three months previous to this trial ; do you suppose that he has not seen these papers from time to time ? that he has not inspected and examined them ? Then how does the production of these papers tend to confirm the truth of his story, unless it is also proved that his story respecting them was told before he saw the papers ? The papers were produced to him ; he is a man of an inventive genius, fruitful in mischief ; what, then, is more probable than that, on seeing them, he should engraft a story upon them ? He is a liar, a practised liar ; that is in proof : is there any thing more probable than that, on seeing the papers, he should invent a story founded upon them ? And then my learned friend, the attorney-general, gravely says, look at these papers ; these are confirmations of the truth of his story. This is the course of the argument arising out of the conduct of the cause ; it is the language, indeed, of the cause, not the language of my learned friend ; he could not bring himself (I know his good sense, I know his acuteness, and the accurate habits of his mind) to state such a proposition in terms, but he has said it in effect, by the manner in which he shapes and conducts this cause. The proposition is so extravagant, that its absurdity must at once have been discovered, if he had put it into words. I know and respect his understanding

too much, to suppose it possible that he could have brought himself to have given utterance to it.

Now let us look a little further ; when was this great plot formed, when was it unfolded and agreed upon, and who were present upon the occasion ? it was on a Sunday, as it is stated, in Greystoke-place. Gentlemen, there was according to the evidence of Castle, a person present at the time, whose name I find in the list of witnesses which has been handed to us by the officers of the crown. I find in that list of witnesses, a person of the name John Harrison, of Castle-street, Long-acre, in the county of Middlesex, turner ; here he is in the list which I hold in my hand ; he was present at that meeting, he was one of the parties there, according to the evidence of Castle ; he has been sent for by the officers of the crown, and they have examined him I presume, or he never would have been in the list of their witnesses ; I do not mean to insinuate that my learned friend, the attorney-general, has ever set eyes upon him ; but the agents of the crown have examined him, because his name is in the list of witnesses, but they have not produced him.

In the conduct of a civil cause, a little excusable dexterity and address is sometimes displayed ; a witness may be withheld on the part of the plaintiff, you may leave the other side to call him, and this little address and management may perhaps be allowable in a question of mere civil right ; but it is a very different thing for the law officers of the Crown to withhold a witness in a case of high treason ; do not they wish the whole truth to be exposed ? and if they wish the whole truth to be exposed, why is not this witness brought forward ? Gentlemen, is it necessary for me to argue more upon this subject ? I can tell you why they did not call him, because they imagined and thought and knew that he would not support the extravagant story told by their other witness Castle. No other solution can be given of their conduct. They might have given him a pardon if he had committed any offence, and might have availed themselves of his evidence. I know it will be said on the other side, that we may call him ; that is the answer the solicitor-general will give. But we do not stand in need of calling him ; it is not requisite for the prisoner to call him. My learned friends were to make out the case on the part of the crown, in the affirmative, by clear indisputable evidence ; they have not made it out in that way, but have relied on the testimony of Castle ; do you believe him then ? Can you give credit to his absurd story ? Here is another witness whom they will not produce. We do not call him, for we rest the case upon the credit of the story told by Castle himself, the witness for the prosecution ; and we ask with confidence, whether you do not think that if the sole object of the crown be the investigation of truth, they ought not to have produced before you, particularly

after they had discovered the true character of Castle, every witness who could by possibility have spoken to the transaction in question. Do not let it be resorted upon us, that we might have called the witness of the crown for the purpose of answering the accomplice of the crown. I repeat it, if the object of the crown be the investigation of truth, which I presume it is, they ought to have exposed the whole case before you by every witness who could have thrown light upon the subject.

Let us now examine a little further; the pikes are insisted upon; is there the slightest degree of evidence except the testimony of Castle, to show that the prisoner at the bar ever saw or heard of any one of those pikes? I put it to you broadly, upon the evidence, and I defy it to be stated on the other side, that there is the slightest degree of evidence except the testimony of Castle, to show that he ever saw or heard or knew of these pikes, or of the place where they were deposited—

Mr. *Wetherell*.—Spikes, not pikes.

Mr. *Sergeant Copley*.—Spikes then, as my learned friend says; I do not care what they are called—where were they found? In the son's lodgings. But the father had access, it is said, to those lodgings; are you then to presume in a case of high treason, that he knew of them, because they were concealed in the lodgings of his son which he occasionally visited? But if they had been seen by the prisoner, this might have been proved. Here *Harrison* appears again. *Harrison*, it is said by *Castle*, was to have procured handles for them, or at least pointed out who might be employed for that purpose; why is not he called, in order to confirm *Castle* as to that material fact? But we are told that the pikes were made for the purposes of the conspiracy, and yet the plot breaks out, and by previous concert, on the 2nd of December, and they are not even prepared to be used; what do I infer from this circumstance? Why that the prisoners, these conspirators as they are called, did not know that the pikes were in existence. I do not care what knowledge young *Watson* had of them. Young *Watson*, as we have it in evidence, was a youth of about twenty years of age, of a hasty impetuous temper, fixed upon by *Castle* as a person whom he meant to sacrifice for his own base purposes; and if this young man had in truth any thing to do with the pikes, it was, I am confident, by the instrumentality and contrivance of *Castle* alone. But how is the prisoner to be affected by it? I grant that if you make out by unexceptionable evidence, a clear case of conspiracy between these parties to overthrow the state, each would be affected by the acts of the others committed in prosecution of the common object, but no such case is made out; but instead of it, the pikes are to be used, first, for the purpose of proving a conspiracy to overturn the government, and then for the purpose of rendering *Mr. Watson* responsible for the acts of others in which he had no personal concern.

This is a most fallacious mode of arguing; establish, in the first instance, that there was a conspiracy between them directed to those objects and those views, and then whatever is done by one, in furtherance of the objects of the conspiracy, will apply against the rest; but unless you establish the conspiracy, and to this extent, the act of one cannot in common justice affect the others, particularly where there is no satisfactory proof of their having any knowledge of such act. The prisoners might have been desirous of having a meeting at *Spa-fields*, and if you please even for mischievous purposes; but one of them, seduced and led astray by some malignant villain, might have privately entertained a more desperate design. How is this to affect the rest, unless it is proved, and satisfactorily proved, that they were partakers in such design? The pikes were not only not used, but not even prepared to be used; how then can it be supposed that the prisoners were concerned in ordering them with a view to the alleged conspiracy. Is such conduct consistent with common sense or common understanding, or any of the rules by which the actions of men are governed? But it seems a pattern pike was made, and this appears by the evidence of *Bentley*, and it is said it was produced at a meeting where *Watson* was present; but by whom is this stated? By *Castle*; he says it was produced at a meeting. This rests then solely upon his evidence, therefore is entitled to no attention. It does not appear then, when we come to examine the case with attention, that the prisoner *Watson* is at all implicated in respect to the pikes, or that they afford the slightest inference against him. We are not upon a question of this nature to surrender our understandings and suffer ourselves to be blindly led astray by unmeaning phrases and little technical rules or supposed rules. It is our duty to investigate the subject fairly and liberally, to examine it upon principle; and say whether it is possible that you can, consistently with common justice, unless you first establish a conspiracy to overthrow the government, make use of the acts of young *Watson* when separated from his father, without proof of these acts being known to the father, for the purpose of fixing criminality upon him; I am quite sure you will feel that you cannot.

Now, gentlemen, as to the plan of setting fire to the barracks, and the confirmation upon that point, which has been so much relied upon; this is a most extraordinary part of the case; what is the evidence? But before I advert to it, let me remind you again of the principle on which a man like *Castle* acts; he selects particular circumstances which have really occurred, and builds his inventions upon them. See what the real facts are in this case. He and the prisoner take a walk with a man of the name of *Skinner*; they walk past the barracks, and there is some conversations about the avenues. I have no doubt that *Castle* recollected these circumstances, for I think it

probable that such a walk did really take place. It occurs then to his mind, a mind fruitful in evil, that upon this simple fact a story may be engrafted, and then this fact is to be introduced for the purpose of establishing and confirming his story; this is called confirmation. These are the arguments made use of for the purpose of persuading you to think you may safely give credit to his evidence.

There is another fact insisted upon, Cosser's house is taken, near the barracks; it is taken for an oil and seed shop, though Castle, by the way, said it was for an oil and colour shop. Young Watson had relations in the country, farming upon an extensive scale; he might think of beginning business in a line in which they might be of service to him. He refers to Thistlewood for a character; Thistlewood mentions his friends in Lincolnshire, but says nothing about his father in London, and some stress is attempted to be laid upon this circumstance—nothing can be more idle. Young Watson was desirous of obtaining credit for the house; the father was in poor circumstances; his friends in the country were more prosperous; it was not perhaps perfectly correct on the part of Thistlewood, but he might have thought that the circumstances of the father would prevent credit being given to the son, and therefore, he referred to the family in Lincolnshire. But here is a treaty for a house, and upon this house the plot is again built. Castle knew all this; he knew that young Watson had applied for the house, and, therefore, it is to be made use of for the purposes of the conspiracy, and for what? for the reception of combustibles to be employed in the absurd story of stifling the soldiers in their barracks. If it had appeared that Castle had stated all this immediately upon his being apprehended; that, at the instant, he had told his story; that he had had no time to prepare it; that these circumstances had afterwards come out one by one confirming his statement—this might have had the appearance of confirmation; but if you find that he has had ample time and opportunity to prepare it, and to connect his own falsehoods with things that really occurred, and to blend and dovetail them together, where, I ask, is the confirmation which can reasonably lead you to believe that which rests upon his testimony alone? Am I pursuing the subject correctly? I wish to treat it with plainness and simplicity; there can be no danger to the prisoner but in perplexing and confusing it. Are the observations then which I am making well-founded? I would not offer them to your attention unless in my conscience I believed them to be so; at least, therefore, I may hope that they will weigh with you, and have upon your minds some portion of that influence which they have had upon my own.

But to recur to this plan for burning the barracks. How, according to the evidence of Castle, is it defeated? Because they cannot advance fifteen pounds to pay a quarter's rent for the house. Is this to be credited? They

are to seize all the plate of the nobility; they are to possess themselves of the Bank; they are to make themselves masters of the whole metropolis; and Thistlewood determines that nothing shall delay the enterprise, and that he will at all hazards commence it on the next Saturday—and yet all this passed away as a dream because they could not advance money; and be it remarked too, that, according to the evidence of Castle, money was not necessary. But a bill would have answered, which would not have been payable till after the revolutionary government had been established. The thing, gentlemen, is too preposterous for belief.

There is something more: there are some papers, but not proved to be in his hand-writing, found in Watson's pocket, when he was apprehended at Highgate. To whom do those papers go? To Bow-street; they are in the custody of the Bow-street officers; they are, I presume, seen by Castle. You will, I am persuaded, take it, that they were communicated to Castle.

Mr. Attorney General.—My lord, I must interpose; there is no evidence that they were seen by Castle, and the fact was not so.

Mr. Sergeant Copley.—I do not mean to say it was so proved. I declare to God, I do not wish in this cause to state incorrectly the slightest or most trifling circumstance. I conceive, that if I pervert a single fact, I am weakening the cause of my client; and if I fall into error in this respect, it is because my own recollection does not sufficiently assist me in so long and complicated an inquiry; an inquiry which has now lasted six days, and which circumstance I use as a strong argument in favour of the prisoner at the bar. For if the crown are to be necessarily employed so long, in endeavouring to make out a case against him, it leads to the conclusion, that it must be a very doubtful case of guilt to require such lengthened proof; but I have not intentionally exaggerated, or given a false colouring to a single fact. If I do so, let me be put right, for I am sure I weaken the cause of my client, and, through my client, the cause of the public, who are so much interested in the result of this inquiry. But these papers were taken to Bow-street; this man Castle has been for months in the keeping of the Bow-street officers; he has assisted them in looking for evidence; and I repeat, it is almost impossible that the contents of these papers should not have been communicated to him. Remember it is not proved that they were not shown to him. I take it therefore that there is just ground, from all the circumstances, to infer, without having recourse to mere surmise and speculation, that, upon a knowledge of these papers, and upon the hints which they afford, this most extraordinary story told by Castle has been mainly built. This story has been founded upon them; and by an extraordinary mode of reasoning, they are now used as confirmatory of the truth of his story.

Let us lose sight for a moment of the testi-

mony of Castle; and as to the reality of the first and great plot, what are the facts which have been proved to you? There is the walk with Skinner through the streets in which the barracks are situated, and into Hyde-park, and something said about the avenues; there is the treaty for hiring the house of Cosser; and lastly, there are the papers found in the pocket of Watson. Leave out the evidence of Castle, upon this part of the case, and this is the whole evidence from which you are to infer, or rather to guess at, the existence of this most extraordinary, extravagant, and incredible design; you are to draw that inference from the circumstance of the walk with Skinner, and the papers found on the person of Watson, and the treaty for the hire of the house from Cosser. But, gentlemen, I repeat again, I believe for the third time, do not lose sight of the evidence of Castle. If you have any doubt upon the other parts of the case, recal his character and conduct to your recollection, and let his deeds, the deep and settled malignity of his heart and mind, be engraved upon your memories. To lose sight of his evidence would weaken the case of the prisoner, because it taints and contaminates all with which it is connected; it corrupts that which might otherwise be sound. But, if you do not believe Castle in this part of the case, can you safely credit him as to the rest of his story? I know you will say, we utterly discredit the monstrous fictions to which I have been adverting. If you do not believe him in the reality of the first and great plot, will you believe him in any thing else. The witness comes into court to tell that which has not even the semblance of truth for its support. Does my learned friend then venture to put such a proposition to you, as that you can safely rely upon his testimony in any thing else? is it not repugnant to every principle of reason? I put the question to you with firmness and confidence.

But let me now direct your attention to the other parts of the case, to the second or lesser plot of the 2nd of December. Here, also, circumstances of confirmation are mentioned; but let us examine in what they consist. I repeat that, disbelieving Castle as to the one part of his story, you will place no reliance on the rest. But what are the circumstances of confirmation, from which you are called upon to believe him, when he tells you that the object of the meeting of the 2nd of December was to overturn the government? of what description and nature and character are they? A meeting was held in Spa-fields; these parties were concerned in calling that meeting; it was, if you please, a mischievous meeting; one or two of them had arms; great tumults and disturbances ensued. These circumstances are stated by Castle, but they were notorious to all the world. As confirmatory of his evidence in other respects, they amount to nothing. But some of these parties were also at Spital-fields, addressing the people there, and taking measures for the purpose of

securing a large assembly of persons on the 2nd of December. Castle also states this fact. In this, therefore, it is said he is materially confirmed. That such meetings were held, was never concealed or disguised. What then is the value of this confirmation? Are you therefore to believe him, when he states, that a secret conspiracy was formed to overturn the state, merely because he also states, that there were previous meetings at Spital-fields, which were known to hundreds at the time?

But the prisoner, it is said, assisted in procuring and circulating placards and hand-bills for this meeting. This is dwelt upon as another circumstance of confirmation. There is no doubt that these parties were very instrumental and active in producing the meeting. I do not deny, I do not conceal or disguise it in the least. All these facts were known to many persons, and among others, of course, to Castle; and because he is confirmed as to facts of this description, which were never concealed, you are to believe him when he says, that there was an ulterior object in view, a deliberate plan to overturn the state; that is the argument.

There is another circumstance of confirmation, the evidence of which occupied a considerable portion of your time. But I am fatiguing you and myself in dwelling upon these facts, for the reasoning is all alike. I allude to the waggon. No doubt there was a waggon hired for the meeting, and hired in consequence of what passed on a former occasion; but does it follow, because a waggon was really hired, and Castle gives evidence of the fact, that you are to believe him when he says, it was in prosecution of a plan for overturning the government? This mode of reasoning, and this style of inference, is too idle and futile to require a serious answer, or to deserve even a moment's attention. But the parties it seems, dined together the day before the meeting of the 2nd of December. Two or three witnesses are called to prove that fact. Really this is trifling with your understandings. According to the account given by Castle, a stranger, Angel, was admitted, and suddenly dismissed. In this, which is the only fact as to the dinner which is at all material, he is not confirmed. And yet, if his story were true, Angel might have been called for that purpose. But to show the value of those circumstances of confirmation which have been chiefly insisted upon in this case, let me suppose that any one of you, gentlemen, by some accident were thrown into the company of a man of this description in two or three different places, and that, availing himself of this, he were to charge you with some infamous crime: you insist in your defence upon the baseness of his character; you receive for answer, True it is, he is a notorious liar, a fellow without principle, and stained with every possible crime, but he is confirmed, and witnesses are called to prove that you were seen in his company at the different places which he had mentioned—would

it not be absurd and monstrous to take these circumstances as confirmatory of the truth of the charge?

I have ended this part of the case; I do not mean to say I have canvassed every fact of confirmation which has been insisted upon; it would wear out your patience and mine if I were to attempt to do it; but I have selected the most striking and prominent, and shown, that, to a reasonable mind, they do not tend, in the slightest degree, to confirm the evidence of Castle as to the conspiracy to overturn the government, and to lay prostrate the state.

There is another circumstance of criminality which has been much dwelt upon, for I will not pass over any thing which is considered as material. I allude to the charge of seducing the soldiers. There is a particular act of parliament by which that offence is made felony.* I do not mean, however, to say, that it may not therefore be used as evidence upon an indictment of treason; but who were the parties concerned in these imprudent and idle conversations? does Watson ever appear in any of them? Castle, throughout, is the principal actor; he introduces and endeavours to recommend himself, by lies, to the soldiery; he represents himself at one time to be a native of Yorkshire, for the purpose of conciliating the favour of a particular individual among them, and proceeds in the same manner with others. I do not attempt, nor do I wish to justify or palliate his conduct. But how does this affect Watson, unless you believe, as I have before so often observed, that they were engaged in a conspiracy to overturn the state? If you establish that Castle and Watson were engaged in such a conspiracy, of which I repeat there is no evidence deserving of credit, then I admit he might be affected by the misconduct of Castle; but unless that be made out, it would be cruelty and injustice in the extreme, to make the acts of Castle, or of any other person, evidence to affect the prisoner upon this charge. These persons were certainly desirous that the intended meeting should be as extensive as possible; placards and hand-bills were given to Castle and others to distribute among the people. Is there any thing to show that this was *not bona fide*, and merely for the object professed? Castle may have gone into the Tower, and distributed the bills improperly among the soldiers; but does that appear to have been ever communicated to Watson, or that he in any way authorized or approved it? I do not feel, with regard to any part of this case, when it comes to be fairly examined, that it affects the prisoner Watson, as to the offence with which he is charged. Do not understand me, however, to say that this meeting, and the riots which ensued, were not highly improper, and ought not to have been prevented, and the authors punished; but I do say there is no evidence to make out the crime of high treason

against the prisoner; for I am sure you must be satisfied there is no proof to show, that this mischievous mob, had in view the overturning the government of the country.

I have examined the outline of the case, as far as the question of conspiracy is concerned; there are many slighter circumstances upon which, if the time would permit, I might comment, and perhaps with effect; but I pass them over, leaving the matter to your good sense and discernment, and to that attention which you have shewn through the whole of this complicated inquiry. I am quite convinced I may leave them safely in your hands.

But let us now consider how the case stands upon those facts which are established, independently of the evidence of Castle, I mean as to the proceedings of the 2nd of December, and the steps previously taken, with a view to the meeting on that day. Upon this part of the case, which my friend, Mr. Wetherell, has so fully considered, I shall be extremely short. What I have hitherto been commenting upon is, either the evidence of Castle, or the facts supposed to be confirmatory of his evidence. The circumstances to which I am now to advert, are circumstances of which we have been, as it were, witnesses, from the part we have taken in this inquiry. In the first place, then, in the order of the proofs, there is the advertisement for the original meeting. Is there any objection to that advertisement; if I properly understood the attorney-general, he did not object to it. In his address to you, he admitted (for he was compelled to admit), that parties had a right to meet for the purpose of petitioning.—Gentlemen, this is a right we claim by the law and constitution of the country. It is a right for which our fathers fought and bled; which was established by the Petition of Right in the reign of Charles the First, and after the overthrow of the Stuart family, was confirmed by the Bill of Rights, in the first year of William. We do not accept this as a boon, or concession, from the attorney-general. If the people, or any particular class of the people, are reduced to a state of poverty and distress, if they think their misfortunes are to be referred to the mismanagement of the persons entrusted with the government of the country, if they have any grievances, either real or imaginary, they have a clear right to assemble for the purpose of making them known by petition to the sovereign, or to parliament; this is a part of the law and constitution of the country; it is a right which has never of late years, been questioned, and I hope and trust never will be questioned hereafter. We know, indeed, that formerly, in the arbitrary reign of Charles the First, when the courts of justice were disgraced by their subserviency to the will of the court, cases have happened where persons have been fined and imprisoned, and their ears nailed to the pillory, for daring to petition; but, I thank God, those times are passed, and, I fervently pray and trust, never to return—

* Stat. 37, G. 3, c. 70, made perpetual by stat. 57, G. 3, c. 7.

Mr. Attorney General.—I never questioned that.

Mr. Sergeant Copley.—The attorney-general says he never questioned this; he never did; he never could. Let us pass on. Something has been said about these persons being Spenceans. Is there any evidence in the cause upon the subject? the name indeed has been mentioned, but there has been no evidence to show of what those societies consist, or what are their principles or doctrines. What the attorney-general has stated upon this head, appears, from the information I have received, not to be correct. But, we are not inquiring into mere theoretical principles and notions. A man may maintain the principles of the Spenceans, without being, on that account, amenable to the law. The principles of the Spencean system, as I understand it, is not to give a certain portion of the land to each individual, but to vest the whole in the government, in order that they may parcel it out according to a certain plan for that purpose; a scheme more visionary and absurd, if possible, than the former. But what has all this to do with the present charge of high treason?

Then we come to the adjournment; who proposes the adjournment? It is a great feature of my learned friend the attorney-general's case, that this adjournment to the 2nd of December, was proposed as an amendment by young Watson, and by previous concert, with a view to the objects of the conspiracy. But mark the conduct of the prisoner at the bar; he interferes to prevent it. According to the attorney-general, an early day, the 2nd of December, was to be fixed upon to carry their plans into effect, that is their case. What says Hunt? It is true young Watson proposed the adjournment at the suggestion of somebody at the bottom of the room: but his father interposed, he endeavoured to restrain his son, and proposed a more distant period.

Our attention is then drawn to the great placard, "England expects every man to do his duty," the words almost the last words, of the immortal Nelson, the favourite hero of the British nation. They recal his great and splendid and glorious achievements; they recal the gallantry, the unshaken firmness and constancy of his brave companions in arms, of those men who so nobly fought, and bled, and died for their country. To what is this bold and exalted spirit to be referred? To the freedom of our institutions and laws, and to that proud feeling of personal independence, which it breathes into the heart and soul of man. Let us cherish and revere it.

Something is said in the placard about Ireland, and about the wretched state of distress to which the nation has been reduced; I will not inquire whether or not the picture is exaggerated; I think I have seen things as strong reported about that time in the public newspapers, as the speeches of members of the legislature. It may, I admit, be wrong to address such

things, whether true, or false, to the multitude; it may be wrong so to stimulate their passions; it may have been done with a mischievous purpose—but was it done with a treasonable purpose? with an intent at once to subvert the government of the country?

The colours have been much insisted upon and introduced with considerable parade to your view. Mr. Dowling spoke of the tri-coloured flag, which afterwards turned out to be a tri-coloured flag; it was important that my learned friend should set that right, because the impression at first conveyed by Mr. Dowling's evidence was, that this was the tri-coloured flag of the French revolution; but this might be a mistake, an unintentional slip, be it so. But what then are we to think of the speech of the attorney-general who descanted with so much eloquence upon this tri-coloured flag, as the standard of revolution and anarchy in France, under the shade of which such monstrous horrors and atrocities were committed, and which was afterwards unfurled in prosecution of the most gigantic scheme of conquest that ever alarmed and agitated the world? I am persuaded that my learned friend really thought, when he addressed you, that it was the tri-coloured flag of the French revolution; I am persuaded he thought so, because I am sure he would not intentionally mislead you; but he was misinformed upon the subject. It is true that the ribbons consist of three colours, but they are not the colours of the French revolution and they refer to different objects. The tri-coloured ribbon of France was first introduced upon the meeting of the States-general; that tri-coloured ribbon which with us is the symbol of loyalty, and which at every turn meets our view in the hats of the warders who surround us. The white had reference to the crown, the red to the nobility, and the blue to the people. In the tri-coloured ribbon of Spa-fields, the white had reference to truth, the green to nature, and the red to justice. Not only was the object different but the colours were dissimilar; and throughout the whole of this inquiry it is remarkable, that not even in the evidence of Castle himself, does it appear that any allusion or reference was ever made to the French revolution by any one of the prisoners. What a cause then it must be, that stands in need of such arguments and inferences for its support.

Let me now direct your attention to the meeting itself. At the time when these parties were assembled and addressed the multitude, the magistrates were in the neighbourhood; the Bow-street officers were on the spot; Limbrick tells you that three quarters of an hour elapsed between the time when he heard the speeches and the alarm in Coppice-row. It is plain, therefore, that by a timely interference the magistrates might have prevented this disturbance; but it seems they were supine and inactive; they might have put it down at once and almost without effort, for it is evident, that half a dozen men possessing the spirit of Mr.

Stafford would have been sufficient to have put to flight this disorderly rabble. But although they had the civil and military power upon the spot and at their command, they did not interfere for the purpose of preventing these outrages. A body of lancers were in Gray's-Inn-lane, sufficient alone to have dispersed the whole populace of London. What then do I infer from this?—That the persons who were at the place, who heard the speeches, and saw what passed, and who had a discretion to act according to the emergency, did not consider this in the formidable light in which it has been represented to you, as an insurrection, a rebellion, a flagrant civil war. I wish to God they had interfered as it was their duty to have done, and prevented those disorders which afterwards ensued, and which have given rise to these ill-judged prosecutions.

But the next circumstance insisted upon by the crown, are the speeches delivered by the two Watsons. What account have you of those speeches? The short-hand note of Mr. Dowling; I confess, that I for one, do not place much confidence in that report. I know a little what a short-hand report is, even when taken in a court of justice, and under the most favourable circumstances. There is one gentleman indeed now in my eye, on whose accuracy I can place the most implicit reliance; but he is a distinguished exception; and I am quite satisfied, that the attorney-general himself has seen many reports of his own speeches, which he has in vain endeavoured to recognize. What then are you to think of a report made by a person in the situation of Mr. Dowling, forced alternately to the right and the left, according to the sway of the multitude and amidst the most indescribable tumult and uproar? But Mr. Dowling publishes his account in the newspapers; we do not know what that account was; but he afterwards goes to the office of the secretary of state, and makes some communication. We are told, that we have no right to inquire into that communication. It turns out, however, that the speeches published previous to that interview do not quite correspond with the report now produced. Mr. Dowling was about to state how that happened; he was prevented. All that I say, therefore, is, that different statements have been made by Mr. Dowling.

Another witness, young Sheerman, is called on the part of the crown; he could collect only a few words, there was a continual pushing about, a great noise and disturbance, and he could hear but little, and that imperfectly, and yet he was as near the speakers as Mr. Dowling. Another witness who has been called to-day, a very intelligent gentleman, though he went to the spot to get information, and was very near the waggon, was only able to collect in general, that the speech was about the prince regent. Can you then place any confident reliance upon the accuracy of speeches reported under such circumstances by Dowling? I wish to impute nothing to any

man unnecessarily, but I should not discharge my duty properly in this cause, if I did not make the observations which the facts fairly suggest. You will remember, too, that Mr. Dowling is contradicted in a material fact by Mr. Steers. There was a question put to Mr. Dowling by my friend Mr. Wetherell, whether he had not said, that he had or expected a place or other remuneration for his services? He did not answer it very distinctly, but said in substance, he had only declared that he expected to be paid a fair equivalent for his time and trouble. It appears, however, by the evidence of Steers, that he informed him, that he had either got or expected something for himself or his brother, to the amount of two or three hundred pounds, for his exertions upon this occasion. In the report of a speech, much may depend upon a word—upon a difference in the turn of a phrase, and other circumstances. But too much stress has been laid upon this part of the case, upon the speeches supposed to have been delivered upon this occasion. They might be improper, and perhaps all the speeches delivered at the Spa-fields meeting, whether by the prisoner, or by Mr. Hunt, or any other person, were improper: inflammatory speeches addressed to the multitude, especially in seasons of distress, are highly censurable. But still that is not the question here. You are inquiring, not whether they have acted indiscreetly and improperly, but whether they have been guilty of high treason; whether they had formed and matured a plan to subvert the government; or whether what they did was for the purpose and in the spirit of general mischief, without any settled determinate object or design.

Let us then trace them in their progress. They break up from the place of meeting, and proceed with their two flags and banner along Coppice-row; they are immediately attacked by Mr. Stafford; he is without arms, and it does not appear that there was any person to assist him, except Limbrick; they seize the banner and one of the flags, and the rest of the party escape, literally escape, from these two officers. What are their numbers? It is stated by Huggins, that they did not exceed a hundred, and in this he is confirmed by another witness, who saw them in Skinner-street. It is true, they were afterwards joined by a number of spectators, women and idle boys; but this revolutionary army, of which we have heard so much, and which seems to have filled my learned friends with dismay, consisted of nothing but a rabble of an hundred men. I touch these facts very cursorily, because they have been presented so admirably to your view by Mr. Wetherell. I will not weaken the impression which he must have made upon your minds. But to follow the progress of this hostile array:—After passing the Rubicon at Coppice-row, where they are put to flight by two Bow-street officers, they proceed through Smithfield to Skinner-street; they afterwards attack Mr. Beekwith's shop, which they break

open. I do not justify that outrage; it was in every view most abominable. I hope to God the explanation, which I think may be given, as to young Watson, is correct; not that he is here to answer for the crime, but for the sake of his own feelings, and his future comfort in life. I hope that he never did intend to fire the pistol, and that it was the result of accident. It is clear that the evidence of Mr. Platt and of Hone are at variance; which then of the two is most likely to be correct, the man who was wounded, or the man who was a cool spectator of the transaction? Hone tells you, that the hands of Mr. Platt were upon the shoulders of young Watson, and that the pistol immediately afterwards went off. I think he said in less than a second, and that he instantly threw down the pistol, and expressed great concern and contrition. It is possible it might have been the result of accident; but he is not here to answer for the offence, he is not amenable to the laws, and the prisoner is not responsible for his misconduct. There is something singular in the attack on Beckwith's, and which you cannot fail to have noticed. It does not appear by any means certain, that the rioters originally intended to attack the shop or seize the arms; they passed the house, they inquired at the door for young Watson, they were near the shop for upwards of fifteen minutes, without showing any intention of committing violence, and it was only in consequence of their being deceived, and seeing young Watson in confinement at an upper window, that they commenced the attack which led to the seizure of the arms. It is possible (and you will always put the most lenient and favourable construction that the circumstances will admit upon the conduct of men), that all this violence might have arisen from the seizure and confinement of young Watson. Then, gentlemen, having once procured arms in this mode, is it unlikely that the same thing would be repeated, and the same acts of violence renewed? It is unnecessary however, to enter into these speculations in considering the present charge.

But let us accompany them further. It is said by Castle, that a part of the plan was to attack and take possession of the Bank. It appears, however, from the evidence of the witnesses for the crown, that they actually passed the Bank, proceeded down Princes-street, and into Cornhill, without taking any steps in furtherance of their supposed design. And yet we are gravely told of a plan to storm the Bank, to block up the avenues with the books, and to defend it with glass bottles, against the military power of the country. Does not the story defeat itself by its own inconsistencies and extravagance? There was nothing of which these conspirators were supposed to be so much in want as funds; even the possession of arms was not of more importance to them; they conceived, it is said, that the Bank would supply this deficiency; but instead of attacking it, they pass its very gates; and go in pursuit of other objects.

Their next exploit is the skirmish at the Exchange. This is called a levying war; a tumultuary movement, contemptible in numbers and means, and without any fixed object or design. They are attacked by eight unarmed men, with the worthy chief magistrate of the city at their head, who is among the witnesses for the crown, but who, for what reason does not appear, has not been called. Is it because the counsel for the prosecution were apprehensive that he would have laughed at the idea of this being a civil war? But do not suppose that I mean to cast the slightest imputation: I know the gentlemen acting for the crown, to be men of the most honourable character. No person can be more ready to pay them this tribute, and in the fullest manner, than myself: but the lord mayor is not called. Sir James Shaw, however, is a witness. Unarmed, he attacks them, takes the remaining banner almost without a struggle, and the soldiers of this rebel army fly in all directions. The last remnant, to use his expression, were completely dispersed. There was a slight effort to retain the colours, but it was overcome in an instant by the worthy alderman and his friends, and there was not, for a moment, the least alarm in any one of the party. This is a levying war to subvert the government and constitution of the country! Is it possible that the attorney-general can seriously hope, upon these facts, to lead you to such a conclusion; the most irrational and extravagant, I will venture to say, that ever entered the mind of a human being?

Defeated and dispersed at the Exchange, a few of the party proceed to the Minories: they are there seen by a gentleman for whom I have great respect; I mean Mr. Hall, who immediately proposes to the persons about him to assist in attacking them. "We could," says he, "have dispersed them in a moment. I considered them so utterly contemptible, that half a dozen of us, without arms, could have put them to flight." He then proceeds to the Tower, and applies for a picquet of twenty-men which is refused. It seems they had no orders. He immediately returns, and finds the riot increased: but how increased? by idle spectators; boys and women. Mr. Brandon tells you, half a dozen red coats would have taken them prisoners, or dispersed them.

Thus I am brought almost to the close of this most extraordinary campaign. There is one observation arising out of it which I cannot forbear making. These rioters are unopposed, with the exception of what occurred at the Exchange. No civil power—no military or armed force of any description is brought against them. They are absolutely without check or control. What then do they do?—these persons who are supposed to have conspired to levy war for some definite end; wander about without aim or object; possess themselves of arms; and, instead of using them for the purpose of mischief, they fire a

feu de joie in the air, to commemorate (I use the words of Mr. Hall) their victories. Does this look like a settled intention, a fixed design, to overturn the government? If they had been immediately checked and quelled, it might then, perhaps, with some plausibility, have been said, that they intended to have lavied war against the king and the government; to have marched to St. James's to have seized the persons of his majesty's ministers, to have taken the palace, the Bank, and so on. But what is the case here? They get possession of arms; they continue without control for hours together, and yet what do they do? What object do they aim at? What is their purpose and design? Clearly nothing. They do not even know what to do with their arms. They fire them in the air. Even the mischief was done (according to some of the witnesses) in good humour, and with the appearance of thoughtlessness. Where, then, is the treason? The charge repels itself: it can make no impression on your understandings. I do not hesitate for a moment with respect to the result. I know how I should act in your situation; and therefore feel confident as to your determination.

Then we get to the Tower: here is a man supposed to advance towards the edge of the ditch, and to make a ridiculous address to the men on the ramparts. By whom is this proved? By two soldiers, who give different accounts of the transaction. Heyward is then called, and he contradicts the soldiers: he says, "I stood by this man; I heard him; there was an alarm of the military, and he put his sword under his great coat and walked away." It is clear, therefore, if he speaks true, that he heard the whole. Now what account does he give: the man offered, he says, to make the privates captains, and to double their pay, in case they would come and join them; that was all. Now let us see what this same person says, according to the evidence of Darlington: "Open the gates, soldiers, and let us in, and every man shall have a hundred guineas bounty and double pay;" he adds, "we do not take the soldiers to be our enemies, but our friends; they have been fighting for the rights of their country, and could not have them." But, according to the testimony of Heyward, who says he heard the whole, for he saw the man go away, no such words were used. But who is Heyward? We have called witnesses for the purpose of letting you into his character; of telling you that he is not a person to be trusted, not to be believed upon his oath. It will be for you then to consider what degree of reliance is to be placed upon his testimony. But, after all, it was not Watson, the prisoner, who played this ridiculous farce. If you ask me what I think of the story, I say at once, I do not believe a word of it. But there is another person who speaks as to what is supposed to have passed at the Tower, the witness Castle. What is the account which he gave in answer to a question

put and pursued with so much acuteness by you? According to the account given by Heyward and the soldiers, there was only one person concerned in making this absurd harangue. But this would not answer the purpose of Castle. Eager to implicate the prisoner, he tells you there were two; I saw them, he says, sideways, and they were both speaking to the soldiers; I saw it distinctly. He does not put it as a matter of doubt, he swears it positively and peremptorily. But again, gentlemen, look at another part of his statement. One of the other witnesses said there were only two soldiers upon the ramparts; that he was going to the parade himself, and the other was the sentry. What does Castle say? He tells you there were not many soldiers upon the ramparts, not more than forty or fifty; but I am sure, he says, there were forty or fifty; I am positive there was that number. The witnesses differ in the accounts which they give; one says there was a mob; another says there was nobody but the man who spoke; but Castle, who brings up the rear, differs from them all; so that this absurd story respecting the Tower is inconsistent and contradictory in every part of it. Is this then to convict a man *proably*, according to the language of the statute of Edward 3rd, or to use the comment of lord Coke, *by plain and manifest proof*? Throughout there is nothing but contradiction, absurdity, and the most glaring falsehood. I call upon you with confidence, to say, whether you can believe or act upon such evidence.

There is another part of this case:—As to the ammunition in the waggon, the witness Windermude said yesterday, it was put in by Castle. I believe Castle, from the beginning to the end, intended to make these men his prey, and that with this view he endeavoured to draw and seduce them into the commission of crimes. He appears on every occasion to have been the most forward and the most active. I believe this to have been the malignant principle of his mind and conduct, to endeavour to entrap and ensnare his associates. I believe that to have existed in this case, which we are told by very high authority (to which, however, I must not more particularly allude) has existed in other cases; that persons have been incited and goaded on by base and treacherous men, to commit crimes, in order that they might afterwards betray them. Is it proved that any other person, except Castle, knew that this ammunition was put into the waggon? on the contrary, is it not clear, that no other person did know it? if they knew of it, and intended as a part of their design, to break open the gun-smiths' shops, would they have left this ammunition behind them? but Castle, who had placed it there, was absent; no other person knew of its being in the waggon, and it was therefore left behind:—So much for the ammunition.

There is another circumstance which has been proved, and which was evidently intend-

ed to make an impression upon your minds; I allude to Mr. Watson's apprehension at Highgate; but what are we to infer from it? he had been at a mischievous and riotous meeting; he was liable to prosecution and punishment; he was endeavouring, if you will, to get out of the way; but does it follow, therefore, that he was conscious that he had committed high treason? can such an argument be made use of? is there any inference from this circumstance, on which you can place reliance with reference to the present charge? Thus, every part of the case refutes the deductions and inferences raised by the counsel for the crown.

Gentlemen, I feel grateful for your attention; I have gone through the case, and am exhausted. I am confident that you will see it in its true light, as a mere riot, a mischievous riot; that it is not an offence of a higher character; that it had not for its object the overthrow of the government; that it was not in the prosecution of such a design; that such an object did not enter into the serious view of the parties, and unless you are clearly satisfied that such were their intentions, you cannot find the prisoner guilty.

But, I had almost forgotten one thing; I have been addressing myself hitherto, merely to the charge of levying war against the king; but in that, I have throughout taken into consideration the intention and object of the parties, as the main ingredient in the case; in so doing therefore, I have in effect considered the whole question. For if you are of opinion that war was not levied, can you believe, upon the evidence you have heard, that there was a conspiracy to levy war, in order to put the king to death? If not then, do you believe that there was a conspiracy to levy war, for the purpose of deposing the king? If there was no conspiracy to levy war against the king, there could not be a conspiracy to levy war, in order to depose the king. Was there lastly then, a purpose to levy war, to oblige the king to change his measures? if there was no conspiracy to levy war against the king, there could not be a conspiracy to levy war, in order to compel the king to change his measures. These are the different charges against the prisoner at the bar. In all, the arguments and observations are the same, and they receive the same refutation; and though I at first thought it might be necessary to examine in detail each of these allegations, and that this might branch out into a variety of inquiries, in consequence of the different nature and complexity of the charges; yet, in the way in which I have considered the subject, the whole resolves itself into the question to which your attention has been so often directed—whether there was a fixed and settled plan formed by these six individuals, without means, and without connexion, to subvert the government; and whether what was done by them, was in prosecution of such plan. It is impossible to believe it; there is no credible evidence to support it.

I have finished; your attention must be fati-

gued and exhausted. Let me then conclude, by fervently praying, that that Providence which enlightens the minds of men, and pours the spirit of truth and justice into their hearts, will dispense that light and spirit to you, in the discharge of the great duty which is now cast upon you. I feel the utmost confidence in you. I cannot, from the attention you have shown to the evidence, anticipate any other than a favourable result; and I am satisfied, that after duly considering the whole effect of it, you will pronounce the deliverance of the prisoner from this great and weighty charge.

Lord *Ellenborough*.—Mr. Watson; I am to inform you that if you wish to address any observations to the jury, this is the time for you to do so: but you must not after the counsel for the crown has replied.

Mr. *Watson*.—My lord, after the very able defence I have received from the gentlemen who have spoken in my favour, it would be presumption in me to say a single word to the jury, any more than to disclaim that I had any intention whatever against the established form of government, by King, Lords, and Commons.

Lord *Ellenborough*.—I beg it may be understood, that what I stated concerning a publication of the proceedings, respected all the trials. The Court desire it may be understood, that there must be no publication previous to the close of the trials of all the prisoners.

REPLY.

Mr. *Solicitor General*.—Gentlemen of the jury;—The period has at length arrived, when it becomes my duty to address you upon the whole of the case, as it now stands before you; a duty which, at any time and under any circumstances, I should feel myself very incompetent to discharge; but now, when your attention and mine has been wearied for several hours in the course of this morning; after it has been exercised for so many days in this investigation, and when so many topics present themselves to my mind for consideration, I assure you most unfeignedly, that I feel myself quite unequal to do justice to the task which is imposed upon me; but I have that consolation which my learned friend who last addressed you also felt upon this occasion, that I am addressing an English jury, men of integrity, men of understanding, who are to form their conclusion upon the evidence which has been adduced to them, and who will, I have no doubt, when they come to make up their minds upon this case, conscientiously do so.

I join with my learned friend in the request which he made to you at the outset of his speech, that you will dismiss from your minds, in the investigation of this most important case, any prejudices which may have been excited by what you may have heard without doors; and I have to add to that request, and I add it most seriously, that you will at the

same time discharge from your minds all prejudices which may have been raised from what you may have heard within; because I must state, that in the course of my short experience at the bar, I have never heard charges advanced more boldly or with more confidence than have been advanced upon this occasion; charges directed not only against those by whom the prosecution has been instituted, but those by whom it is here conducted.

I know that my learned friend disclaimed imputing any improper motives either to the one or the other? but his expressions cannot be forgotten; and when that speech is read, as my learned friend anticipates it will be, after this trial is over, those expressions will remain; and therefore it becomes me, at the outset of that which I have to address to you, to say, that although my learned friend intended nothing, as he says, personally against those against whom his expressions were directed, yet that nothing which has appeared in this cause (and it is only by what has so appeared that it is to be tried, or from which inferences are to be drawn) warrants the imputation upon either the one or the other.

It was stated by my learned friend, and it was reiterated again and again, in the course of his address to you, that the record, as it is framed, this indictment, as it is presented to you, was a mass of confusion; that no precise charge was pointed against the prisoner, and that it was presented to you in that state, in order that out of the confusion, something might be conjured up against him that might be construed into a crime. You have been told also, that if your verdict should be a verdict of guilty, it will go not only to effect the repeal of an existing law, I allude to the Riot act) for such was the expression of my learned friend) but that it will tend also to establish a new treason, wholly unprecedented, and till now unheard of in the annals of this country; nay, more, that you are called upon to pronounce a conviction upon this occasion merely to serve a political purpose; and still further that to attain that purpose, a witness has been called before you of the most infamous description, in order that the government, or those who instituted this prosecution, might not only establish, by your verdict, this unheard-of treason, this new-fangled crime, but that they may establish it by perjury, and by perjury procured by them; for I say, that no explanation which can be given of the expressions used by my learned friend (although he disclaims imputing improper motives) can satisfy any man that they did not convey the imputation, that this is a prosecution founded upon the basest testimony, procured for the purpose, and that it is intended to establish for the first time in the annals of this country, by the decision of a British jury, under the direction of the most enlightened court in the kingdom, a new and unheard of crime. I, therefore, most fervently implore you, by the obligation under which you are acting, by the oath which you

have taken, that whilst you are discharging from your recollection all those prejudices which are supposed to have been raised without doors, you will dismiss, at the same time, those insinuations thrown out within these walls—insinuations unfounded, unsupported, and without a single circumstance or a single expression in the cause that can warrant them.

I am sure that when I am addressing men of your description, the appeal which I make to you will not be made in vain; and that you will come to the decision of this cause, as if you had heard, for the first time, when you entered that box, that this prosecution was instituted, and that you will form your opinion upon the evidence, and upon the evidence alone; and, upon that evidence, notwithstanding the very able address which has been just made to you on the part of the prisoner, unless I much deceive myself in the view which I have taken of this case, I trust, before I sit down, that I shall satisfy you and every one who hears me, that the charge against the prisoner has been made out to its fullest extent.

You have heard a very long and elaborate discussion upon the law of this case, and it becomes me, unquestionably, to answer (as I think I can most easily do) the legal propositions which have been advanced, and to show you that the charge preferred against this prisoner, is founded not only upon the statute law of this country, but upon legal decisions repeatedly recognized, and which now form, as much as the statutes themselves, part of the law by which you are to be guided upon this occasion. Much of your attention too, was for a long time directed to what are supposed to be the multifarious charges in this indictment against the prisoner. Now, although the charges are four in number, yet they are all supported by the same acts, and if the same acts prove four different species of treason, the prisoner must abide by the consequence; and when it is complained, that this indictment comprizes a great number of overt acts, and a great number of facts to which the attention of the prisoner is called, let it be recollected, that it is to his advantage that they should be stated upon the record—the law has, indeed, directed in this case, that for the benefit of the prisoner every act tending to prove the treason to be established against him, shall be stated upon the record—and why? That he may have an opportunity of knowing, before he comes to make his defence, the facts which are to be given in evidence to constitute the crime charged against him, and that he may be enabled to prepare for his defence against those facts; and therefore, so far from this being matter of complaint by the prisoner, it is for his benefit; and if it should happen in this case, as it does in many others, that the crime is to be discovered by a long chain of circumstances, all tending to the same conclusion; is that to be called, as my learned friend calls it, cumulative treason? I must confess I do not understand the term, as applied in that

way; it is, to be sure, a case of circumstances, but you might as well say that Donellan, or Patch, who were convicted of murder upon circumstantial evidence, were convicted of cumulative murder, as that it is attempted to convict this man of cumulative treason, merely, because a number of acts are charged upon the record, from which his criminality is to be inferred. These are, indeed, idle complaints; they are complaints made unquestionably for the purpose of the cause; but they are complaints which, when you come to your decision, you ought to dismiss from your minds, for, in the first place, they are unfounded, and in the next, they have nothing to do with that decision.

What then are the charges upon this indictment? The first charge is, that the prisoner, with others, compassed, imagined, and intended to move and excite insurrection, rebellion and war against our lord, the king, and to forcibly put our lord the king to death; and the indictment then goes on to state the acts, which will be given in evidence to prove that treason. My learned friend who addressed you yesterday, and my learned friend who has just spoken, have, with some degree of ridicule, alluded to this part of the charge; and they say that it is absurd and ridiculous, to suppose, as well from his age and his virtues, as from other particulars mentioned by them, that personal mischief was intended against the king. But when they were thus addressing you, they as lawyers, must know that this charge did not necessarily point to a direct and immediate attack upon the person of his majesty; but that by the law, established by decisions which cannot be shaken, although personal violence or personal harm to the king might not be immediately intended, yet that if the attack (in the language, I think, used by one of my learned friends) was directed against the majesty of the crown, and tended to the deposition of the king, or to overthrow the government, it, in law, constitutes the crime charged in the first count of this indictment, namely, the compassing and imagining the death of the king; and I should be exhibiting an idle labour and an useless research, if I were to attempt to cite cases, or to bring before you authorities in support of this proposition.

My learned friend, Mr. Wetherell said, in the course of his address to you, that he would not take the law from any attorney-general. I beg leave here to say, that I will not take my law from him; and you, gentlemen, will not receive the law from either of us. The learned judges who preside here, will direct you on that subject, and you will (as you are bound in duty to do) attend to that direction; and if I should be mistaken in any proposition I may venture to lay down to you as an advocate in the cause, it will receive correction from the Court.

Then, gentlemen, what is the next charge? but passing that, I had better go to the third count, which is also framed upon the statute of Edward 3^d. That statute, besides the com-

passing and imagining the death of the king, has also these words: "Or if a man do levy war against our lord the king in his realm;" the third charge is a charge of that description: and I shall presently state to you, from those books from which my learned friends have cited their authorities, what have been the opinions and decisions of the learned judges upon this branch of the statute. And here I cannot help interposing one observation upon the fallacy which has pervaded the arguments of my learned friends. It is this:—that there could not be a levying war, unless the treason was successful; unless, for instance, in this case, the Bank had been taken, and the Tower destroyed. This is not so; persons may levy war (and fortunate it is for the country that it is so) without accomplishing their object; but it is not therefore the less levying war. If they appeared in array; if they appeared armed for a treasonable purpose, although they did not demolish one gunsmith's shop, still if if you are satisfied of the treasonable intent with which they assembled, the charge in that count, that they levied war, is made out; and therefore, the extent to which war has been levied, or the accomplishment of the object for which it was levied, has nothing to do with your decision. This topic, therefore, has been used merely to excite your feelings, and through your feelings to influence your judgments. My learned friend, who last addressed you, did, indeed, in one instance, put this part of the case upon its true issue; namely the intent, with which the conspirators assembled, and with which these outrages were committed; for as to the actual taking of the Tower, or the destruction of the Bank, which they contemplated, being necessary to the completion of the offence, I beg leave, as a lawyer, to deny it. If those things had taken place, they would have afforded stronger evidence of the previous intent; but I say they are not necessary to the completion of the offence charged in that count of the indictment.

The other two counts are framed on a statute passed in the 36th year of the reign of his present majesty, by which it is enacted, "That if any person shall compass, imagine, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint, of the person of our lord the king, his heirs and successors, or to deprive or depose him or them from the style, honour, or kingly name of the imperial crown of this realm, or of any other of his majesty's dominions or countries, or to levy war against his majesty, his heirs and successors, within this realm, in order by force or constraint, to compel him or them to change his or their measures or councils," he shall be guilty of treason.

And here permit me to say, that my learned friend the attorney-general was greatly misrepresented by my learned friend who first addressed you, in being supposed to have said, that those counts were unnecessary. My

learned friend the attorney-general stated that to which, as a lawyer, I beg leave to accede, and, as far as my poor authority goes, to confirm—he said, “that although a conspiracy to levy war was not, before this statute passed, a distinct and substantive treason; yet that long before this act, namely, under the statute of Edward the 3rd, it had been declared by the greatest authorities, that such a conspiracy was evidence of the compassing and imagining the king’s death.” That was the proposition the attorney-general laid down, and that proposition I will show you hereafter, is confirmed by those very authorities to which the counsel for the prisoner has alluded; and yet it was represented by my friend who addressed you yesterday, “that the attorney-general had not a distinct notion to what purpose those counts were to be applied; that he considered those counts were wholly unnecessary, and that, in his view of the case, the treason charged might with propriety have been confined to the other counts.” My learned friend the attorney-general, however, stated no such thing; he asserted that which I repeat, that though a conspiracy to levy war be not a distinct treason, yet it is evidence to support the charge of compassing and imagining the king’s death.

But when it is imputed to my friend the attorney-general, that he has not a distinct notion of the utility of those counts in the indictment, I cannot help observing, that in many parts of my learned friend Mr. Wetherell’s address, he himself has confounded the evidence of the crime with the crime itself; he treated many of the acts done, as the treason, instead of considering them only as the overt acts of treason. Thus, when he observed to you, “If you say that pulling down gunsmiths shops is treason, you will by and by be called upon to say, that robbing gunsmiths shops is treason. If you will say, that going about the streets with banners is treason, you will hereafter be called upon to say, that going without a banner is treason.” These acts are not the treason, they are only evidence of it; and therefore my learned friend himself is here confounding the crime with the evidence. Of this confusion my learned friend the attorney-general, when he was addressing you, was not guilty; because, as a lawyer, he knew these were not to be confounded. Again, we are told that all distinction between riot and treason is sought to be overturned by this attempt on the part of the prosecution; that the Riot act is to be repealed; that the acts proved in this case amounted only to a riot, and not to treason; for that a general rising of men, without any defined object, was not treason; and that the Riot act had made this sort of offence felony. The Riot act has made no alteration whatever in the law of treason. It has indeed made that which was before an offence of a minor, now an offence of a higher nature; but I speak without hazard of contradiction or correction from the bench, that the statute 1st Geo. 1st, the Riot act, has not in the least varied the law of treason.

My learned friend Mr. Wetherell, also repeatedly said, that after making all the great research he had bestowed upon the subject for a month past, and conversing with his friends upon it, he had discovered that the only question in this case was, whether a riot was to be converted into treason, and the Riot act to be repealed. Gentlemen, when we look back, as I had the curiosity to do, to a leading case upon this part of the subject, the case of *Dammaree and Purchase*, I find there the very same arguments urged by the counsel for the prisoners,* upon the statute of queen Mary, which is the foundation of the Riot act, and I dare say they were urged at that time with as much vehemence and confidence as my learned friend has urged them here; but I find them urged in vain, and I find that the circumstances of that case, were those which my learned friend would designate by the name of a riot, and punish as such; but it was said in that case, that it was treason, and the persons accused were convicted. My learned friend, therefore, has not made any new discovery upon the subject of riot; and as the argument had no avail in the time of queen Anne, so I trust, it will not prevail now.

I am unwilling to weary you by quotations from authorities upon the law of this case, it has the appearance of parade and affectation: and I really think no lawyer can have any doubt upon it; and that the only question that can be raised is, upon the facts to which the law is to be applied; and therefore, before this trial, I had troubled myself but with a very slight research into the cases on the law of treason; because I had no expectation that any counsel would state, that this was an attempt to repeal the Riot act; or that the attorney-general of this day would be charged with introducing a new treason unheard of in the law, unsupported by authorities, and unauthorised by statute; or that it would be supposed, that the learned judges of the realm could sanction such an attempt. I do, however, most confidently state as law, that if parties assemble in the way in which these parties assembled, for the redress of a real or a fancied grievance (for such is the language of the lawyers upon the subject) that if they attempt by force to effect that in contravention of the established law of the land; I say, if that be proved (and it must be proved), it is treason; and, therefore, as it seems to me, the only question in this case is, whether the parties did assemble, not for an undefined object, as Mr. Wetherell puts it, but with a view to upset the old government; and if they did, whether or not they had a new specific government in view, is not material. And what would my learned friend have said, if these persons had been successful in their projects, and had got possession of the Tower and the Bank? Still, in his view of the case, it would be only a riot, under the Riot act. “The parties have broken open the gun-

* Vide 15 How. St. Tr. 585.

smiths shops, taken arms, created great alarm and terror throughout the town. All the shops are by reason of it shut up, and the peaceable inhabitants are prevented from pursuing their occupations; but do not say this is a treason; it is an innovation on the law to make it treason; it is a riot, and you are to acquit these men of all intention to overthrow the government; of intent to oblige the king to change his measures; even though bloodshed had ensued, though the Bank had been destroyed, and the Tower taken, it is riot, and not treason; and you are not from thence to conclude, that the men who have been guilty of these acts, have been compassing and imagining the king's death, or levying war within the statute." Such is the argument of my learned friend. It is not necessary (and I must impress that again upon your minds) that the object shall be effected. If it can be proved, that the purpose of the parties, when they met—not of the mob, but of these six conspirators—not of the persons who were innocently led away by them, ignorant of their definite object, and not knowing immediately what they had in view—but if these six persons were at that time in conspiracy to overturn the government, or to attempt to do so, I submit, as a lawyer, that that is treason; and that if you are satisfied of this, you, as honest men, are bound to say, that this prisoner has been guilty of the charge.

I can assure you, that it is my wish, as it will be my endeavour, in the progress of my address to you, to examine the evidence when I come to it, and, indeed, to go through the remainder of the case calmly and dispassionately. If I am betrayed for a moment into warmth, excuse it; for I assure you, I have no object in this case (and I know my learned friend, the attorney-general, has none), but that you should calmly, soberly, and dispassionately sift the evidence which has been offered. If on that dispassionate inquiry you believe the prisoner innocent of the charge, acquit him, as you are bound to do; but if, after that review, you find, that however extravagant the scheme; however inefficient the means to the end proposed; however absurd the plan; still if you find, that it existed in the mind of the prisoner and his co-conspirators, you must, you are bound in that case to find him guilty of the charge.

But before I come to investigate the evidence which has been given, I must say one word more upon the law of the case. You have had references to cases; cases have been brought before you, by both my learned friends who have addressed you. They referred you to the case of Burton, in the time of Henry 8th, which was an indictment for raising an armed force to pull down all inclosures; that was held to be treason; there was, I think, some other case referred to by my learned friend, Mr. Sergeant Copley, which I do not immediately recollect; but I will now come to another case, alluded to in the opening by my learned friend the attorney-general. It was,

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"that A, B, and C, with divers persons, to the number of a hundred, assembled themselves in a warlike manner to pull down bawdy-houses, and that they marched with a flag upon a staff, and weapons, and pulled down certain houses, in prosecution of their conspiracy. This, by the judges, was adjudged high treason."—Gentlemen, the same argument, I should tell you, was used there, as has been used by my learned friend, Mr. Wetherell, that there was a statute of queen Mary, which made the assembly of persons to the number of twelve and more, felony;* but the judges held, that that statute made no alteration in the law of treason; that what was treason before, was treason after that act; and in the particular case, they held, notwithstanding the statute which had been referred to, the prisoners guilty of treason.

I might cite a variety of other cases, but there is one I wish to bring to your notice, which arose upon a temporary statute of queen Elizabeth, which, in its terms, is almost precisely the same as the statute of the 36th of the king; for the statute of Elizabeth made it treason to conspire to levy war. That statute made a conspiracy to levy war, treason. In the statute of 36th of the king, a conspiracy to levy war against the king, to compel him to change his measures, is made treason. In the case I allude to (which has generally gone by the name of the Apprentices' Case), the charge was, that "divers apprentices of London did conspire to take and deliver out of ward, certain apprentices who had been committed there for riots; to kill the mayor of London, and to burn his house, and to break open two houses near the Tower, where there were divers weapons and arms for three hundred men, and there to furnish themselves with weapons; after which, divers apprentices devised libels; moving others to take part with them in their devices, and to assemble themselves at Bun-hill and Tower-hill." I cannot help remarking, as I go on, what a near resemblance this case bears to the present, in the means used to effect the end proposed. There it was, that they were to break open houses, to arm themselves and their companions; "that they devised libels, moving others to take part with them in their devices, and to assemble themselves at Bun-hill and Tower-hill, and, accordingly, divers assembled themselves at Bun-hill, and three hundred at the Tower, where they had a trumpet, and one held a cloak upon a pole, in lieu of a flag; and in going towards the lord mayor's house, the sheriffs and sword-bearer, with others, offered to resist them, against whom the apprentices offered violence;" and that was adjudged treason.

Why, gentlemen, there cannot be two cases more parallel than these. Was that a conspiracy to compass and imagine the king's death, in the way my learned friend has used the words? No; it was a conspiracy to levy

* *Vide* 6 How. St. Tr. 899.

war against the king. The levying war was their assembling two or three hundred apprentices together, to overawe the lord mayor, and to compel him to let out of prison others, who had been committed, for the purpose of being brought to punishment: they conspired to break open houses, in which houses arms were to be found; they conspired to issue libels calling on others to join them; and they afterwards assembled, with a trumpet and a flag: they did not, however, effect their object. But, in the reign of Elizabeth, this was adjudged to be treason; and yet you are told, that the present case is the introduction of a new treason, and that you are required to legislate upon the subject; we have this assertion boldly and confidently made and repeated in the course of my learned friend's address to you; and yet we find that the law upon which you are called upon to act in the present case, is as old as the time of queen Elizabeth. I say, this case alone is sufficient to dissipate all notions which might otherwise have been entertained of the accuracy of my learned friend's law upon the subject.

But let me refer to a book which my learned friend has cited with great commendation, I mean Mr. Justice Foster's, where, treating of levying war and of compassing the death of the king, he says, "but every insurrection which in judgment of law is intended against the person of the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him, these risings all amount to levying war within the statute, *whether attended with the pomp and circumstances of open war or not; and every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt act within the other clause of compassing the king's death*; for these purposes cannot be effected by numbers and open force, without manifest danger to his person." Then, gentlemen, is this new law?—why I find it in the very book from which my learned friend has cited many of his propositions; and the proposition on the part of the prosecution is this, that if it be established to your satisfaction, from the evidence given, that the intent of this conspiracy was to overturn the government, or to compel the king to change his measures, whether their means were adequate to the end or not, it is treason; and such treason as is charged against this prisoner by the indictment.

I am the more anxious upon this part of the case, not from any doubt I entertain upon the law, but from the manner in which it was treated by my learned friend; for that the present case was an attempt to introduce a new law upon the subject of high treason, was the commencement, the middle, and the end of his address to you; for the very last sentence of it, which I have before me, was to this effect, "I shall sit down with repeating a proposition which I am afraid I have too often repeated before, that if these transactions, even

if they were more credible than they are, even if many parts of them were proved, instead of being in the condition of not being proved, are to be by conjecture and interpretation exalted and magnified into constructive and interpretative levying war against the crown, I assert" this is my learned friend's assertion, "that the pure, the open, the just, and hitherto undoubted interpretation of the statute of treasons, will give way to an arbitrary and capricious interpretation of that statute, which will be absolutely incompatible with the free agency of British subjects." Why, gentlemen, with these propositions before you in the law books—with these cases, decided from the reign of queen Elizabeth down to the present time—is it right that such insinuations, which are wholly without foundation, should be thrown out? Insinuations, which are utterly unsupported, and not at all warranted by any thing which has appeared in the course of this cause.

I will now proceed to that which is the only remaining question before you, what are the facts proved? and notwithstanding the ridicule which has been attempted to be thrown over some parts of the case, notwithstanding the levity with which others have been treated, I think I do not deceive myself (it is you, however, who are to judge) in believing that I shall satisfy you, that this case is made out by the clearest and most satisfactory evidence. Gentlemen, neither the attorney-general nor myself, would attempt (as has been supposed by the other side) to persuade a jury that they were to decide on treason, by conjecture. My learned friend, the attorney-general, in the whole course of his address to you, never once, I will venture to say, hazarded a notion of the sort; he had the words of the statute before him, which he read to you, that the persons accused, "are to be provably attainted by open deed," that is, "by satisfactory proof," and "by satisfactory proof" only. Has he asked for your verdict of guilty, if the proof be not satisfactory? Neither he nor I shall venture to do so; still less to state that you are to decide by conjecture, or that you or any jury are to convict a man of any offence, however slight, still less of the offence of high treason, unless you are satisfied of his guilt by that which the statute requires, "*sufficient proof*," for the word "provably," in the statute, has, by Mr. Justice Foster, to whom so much allusion has been made, been construed to mean "sufficient proof." But I am yet to learn, that in the examination of sufficient proof (except indeed, that you are to have two witnesses) a different rule is to prevail in the crime of high treasons, from that which is to be observed in the investigation of any other crime, or that it is to be proved by other means; all that I apprehend you are to expect, is, that you are to have that species of proof which would satisfy you in any other case of high crime, such for instance as murder. That is the proof which the statute requires; it is to be sufficient, it is to be legal proof.

In examining the facts as proved in this case, many of which cannot be controverted, the main question, and that alone upon which I think any doubt can be entertained or raised, is the purpose and object of these conspirators in their meetings, and particularly the purpose and object with which they, on the 2nd of December, went from Spa-fields to attack the gunsmiths shops and the Tower. Much has been said, and more certainly will be said by me in the course of my address to you, with respect to the testimony of one of the witnesses called on the part of the crown—Castle. You were told by the attorney-general, when he first introduced his testimony to your notice, that he was an accomplice in this nefarious transaction; more infamy I think could not well be attached to him, than in saying that he was a co-conspirator in this offence. Not all his criminalities which have been detailed to you by my learned friends, are comparable to this; and whilst my learned friends are blackening the character of Castle—whilst they are heaping infamy upon his head, let us recollect that it is their client, Mr. Watson, who is Castle's friend and companion, who is thus attacking his character—that Mr. Watson well knew of his infamy (for that I will prove to you by the evidence given for the prisoner) and that notwithstanding that knowledge he still associated with him; and, therefore, if Castle be this infamous man, which I admit him to be—if he be this man covered with crimes—if he be a person capable of harbouring this wicked design, I would ask you, as men of sober understandings, for what purpose were Mr. Watson, Mr. Thistlewood, Mr. Hooper, and Mr. Preston associated with this man. The more wicked they make Castle, the more probable they make the scheme he has detailed to you, and the more probable they make their own concert in that scheme. Being an accomplice, however, I agree that unless he is confirmed, you should pay no attention to the story he has told; but if he be confirmed in various particulars, it is not necessary that he should be confirmed in all, in order for you to act upon his testimony. If that were so, why are accomplices admitted at all? Such testimony is never wanted, if the whole transaction can be proved without it. But it is always some part of a transaction, tending to implicate the parties materially, which requires the evidence of an accomplice; and, therefore, it has been laid down, that not only are they competent witnesses, but that if they deliver their account in a proper manner, and if they are confirmed in different parts, though not in the most material facts, they ought to be believed. And here again I must complain of my learned friend; it is not charged by him in direct terms, but it is more than insinuated, that Castle is a hired and paid witness of the crown. You have been told, and told truly in one respect, that until the discovery of Castle, no charge of high treason was instituted against these persons. But why was it not? Because, till the disco-

very of Castle, the taking of the house in Seymour-place, the purchase of the pikes, of the pistols, the explanation of the papers found, and various other parts of this transaction were utterly unknown to government—were utterly unknown to the persons instituting the prosecution; these facts came out on his discovery; and the more the law officers of the crown, after that discovery, made inquiries into these transactions, the more the truth of the representation Castle had made was confirmed; and whatever be the result of this prosecution, they would have been guilty of a dereliction of their public duty, if they had not, after such confirmation, brought forward the charge as they now present it to you.

What complaint therefore is there to be alleged against government, in this respect? And why, because in the first instance this charge was not preferred, is it to be insinuated that they waited till they had information of this man, Castle, and that then they instituted this prosecution, in order to induce an English jury, upon the unsupported testimony of an accomplice, to convict men of the greatest crime which can be charged against them? this again was more than insinuated, but I am sure that your decision will not, as it ought not to be, warped by any such observations.

I cannot help here digressing to allusions which have been made to the trials of 1794; for you have been told, that in those cases there was an acquittal; and that in lord George Gordon's case, although arising out of transactions which produced much mischief, the jury likewise acquitted, and that those juries have received the approbation of their countrymen for so doing. Whatever was the result of those cases, with them you have nothing to do upon this occasion; whether or not the case was proved against lord George Gordon, or against the persons tried in 1794, is wholly irrelevant to the present inquiry; you have only to deal with the case before you, and these observations are thrown in merely to influence your passions, and to induce you, because there were acquittals in those cases, to acquit in this. But with respect to lord George Gordon's case, which has been strongly pressed upon you, there were two distinct questions put by lord Mansfield to the jury—first, whether the acts done were levying war; and next, whether lord George Gordon had incited those acts; the jury might have been as satisfied in that case as I trust you will be in this, that there was a levying war; that that had been done which, within the statute of Edward the third, constituted treason; and yet if they believed that lord George Gordon had no intention to excite the persons doing them, to the commission of those acts, they might properly acquit him. And they probably did so upon that ground; and, therefore, it is not because in 1780 there were greater riots than there had been in 1817; because the acts now committed did not, owing to the good spirit of the people, end in so much mischief as they did in the

year 1780; or, because a jury then acquitted lord George Gordon, that therefore you are now to acquit Mr. Watson. For, as I have before observed, that case went on two grounds; the jury might have acquitted on one of them; namely, on the supposition that lord George Gordon did not instigate the riot; that riot was not in his contemplation; that he was not found with them in the acts charged; he was not inciting the mob at the time; and therefore cases of this sort ought to be dismissed from our consideration; for you cannot come to a proper conclusion on the facts in any criminal case, unless you are brought to it upon the proof given in that particular case, and upon such proof alone.

It is not by any appeal to your passions, as Englishmen or as jurors, that you are to decide this case; you are to decide it upon a calm review of the facts, and if they lead to an inevitable conclusion of guilt, it will be your painful duty to find the defendant guilty. If, however, you are to be referred to former trials, there was another to which I might have alluded with equal propriety, the case of Despard,* who was convicted of treason; and I might have said, that the scheme of Despard was as wild and visionary as the present, or even more so; and then I might, following the example of my learned friends, say, colonel Despard was convicted, and therefore Mr. Watson is to be convicted; but I use no such arguments, I make no appeal to your passions or to your feelings, all I desire is, your sober judgment upon the case; and whatever, upon a calm review of it, is your decision, be it one way or the other, I am sure it will be conformable to the duty imposed upon you.

Now, gentlemen, without more preface, I will come to the facts of the case; but, before I advert to the evidence of Castle, and its confirmations, permit me to read what was said in a former case of treason, upon the subject of the testimony of an accomplice.

In the case of Charnock, King, and Keyes, a co-conspirator was the principal witness. This was in the time of William 3rd, when lord Holt, as eminent a judge as ever graced the bench, presided. Now hear what he said, "It is certainly a very hard matter, if not impossible, to discover crimes of this nature, if the accomplices in those crimes shall not be allowed to be good witnesses against their fellow conspirators;" and in answer to an objection of the prisoner, that though an accomplice was a legal witness, he was not a good one, lord Holt says, "He is a very good witness, if he be a legal witness; but the credit of what he says, as in all other cases, must be left to the jury, who are judges of the matter of fact, and of the credibility of witnesses:"† and he goes on also to add that which is most import-

ant to this case, and to the arguments used on the other side: "They (accomplices) are the most proper witnesses: for otherwise it is hardly possible, if not altogether impossible, to have a full proof of such secret contrivances; such discoveries are to be encouraged in all governments, without which there can be no safety; and though men have been guilty of such heinous offences, in being partakers or promoters in such designs, yet," he says, "if they come in and repent, and give testimonies thereof by discovering the truth, greater credit ought to be given to them, for such evidence was ever accounted good;"‡ and yet it is made a grave charge against the government in this case, that they have ventured to produce Castle before you as a witness, because he is an accomplice in this conspiracy.

It is the common experience of all times, it is in our daily experience, that the very worst and most nefarious offences would go unpunished if an accomplice were not to be admitted as a witness; in many cases of the most atrocious murders which have been committed, the perpetrators would have gone free from punishment, if an accomplice had not been admitted as a witness, and his evidence received; and therefore, Castle is properly a witness in this case, and a very good witness, if he be confirmed. I do not ask you to believe him, unless he be confirmed; but if in the story he has told you, he be confirmed in circumstances in which it is impossible that he should be if his story is false, you cannot help giving assent to the whole of the story he tells, and we shall see presently what a curious hypothesis the counsel for the prisoner have had recourse to, to get rid of the evidence of Castle. But neither my learned friend who addressed you yesterday, nor my learned friend, Mr. Sergeant Copley, who addressed you last, has ventured to say one single syllable about many facts which, as I shall show you, furnish the strongest demonstration of the truth of Castle's story; aye, gentlemen, and demonstration in a part in which, even by the hypothesis of my learned friend, it was impossible for him to have been the contriver, and in which it was impossible for him to have previously planned the evidence in order to furnish a support to his story; for you are desired seriously to believe, that although many of the transactions deposed to by Castle took place in October and November, yet that during the whole of that period he was contriving that upon the 2nd of December this conspiracy should break out; that upon the 2nd of December the gunsmiths shops should be broken open; that young Watson should enter Mr. Beckwith's shop, and there should be guilty of the outrage he committed; that old Watson should be in the waggon in Spa-fields, and committing the various acts which were committed by him.

My learned friend, who addressed you last, put it very gravely, that all these were contri-

* See it in 7 How. Mod. St. Tr. 345.

† See the case of Charnock, King, and Keyes, 12 How. St. Tr. 1405.

• 12 How. St. Tr. 1454.

vances of Castle; that they were made with a view to obtaining the blood-money we have heard so much of; and remember that he was the plotter and contriver of all this, of which, if he had been discovered, and evidence of it had been adduced against him similar to that adduced against Mr. Watson to-day, he would have had to answer and to suffer for his offence; and yet you are really asked to believe that the whole is the fabrication of Castle; that he was a man of such ingenuity, that he had foreseen all that would happen; and that though he could go through an examination of eight hours in that box with the minutest accuracy, as to dates, persons, places and circumstances, and in which he has not been contradicted in a single material point, still that the whole is a contrivance and fabrication of Castle to serve a political purpose of government, and that he is produced, after having wickedly plotted and hatched and contrived all this, as a paid and hired witness, to convict another man of the crime of high treason.

Gentlemen, this is infinitely more incredible, permit me to say, than the story he has told you. It is a thing which could not be; and I think I shall demonstrate to you, that unless Castle's story be true, it is impossible that the things which he relates could have happened.

Then let us see what it is that he states to you. He first states the occasion and manner of his becoming acquainted with Watson; and it was in stating this part of the case, that the attorney-general introduced the name of Spenceans, which it is supposed he introduced improperly. My learned friend, Mr. Wetherell, states, that the name of Spenceans has been mentioned to create a prejudice against the prisoner. Where was it that Castle first met Watson? Where was it that he first met Thistlewood and the other persons? Why, it was at the society of Spenceans; it was at the meetings at the Cock in Grafton-street, that the intimacy of Mr. Watson and Mr. Castle commenced; a very fit place for the introduction of such associates to each other. I do not stop here to inquire what the principles of the Spenceans are; but, as far as I have heard them, and as my learned friend Mr. Sergeant Copley has heard them, they are extremely ridiculous. My friend Mr. Sergeant Copley says, the portioning out all the land is one of their theories. Why, gentlemen, you will find that these doctrines were broached by Mr. Watson in the conversation with Storer, doctrines he had picked up at a Spencean society, where he was introduced to the company of Castle; and there it was that Watson discovered that Castle was an extremely fit and proper instrument for his purpose. Castle was indeed a man, of all others, fitted for the occasion; he was a man who had been already guilty of crimes; who was destitute of money; who was reckless what became of him, and was, therefore, a most proper and fit instrument for Watson's purpose, and Watson accordingly did fix upon him soon after he saw him. My

learned friend Mr. Sergeant Copley, says, it was extraordinary he should talk to Castle so soon about overturning the government. Why, at that time, having seen that Castle was a man of desperate character, he was sounding him, to see whether he was inclined to go the lengths Watson wished him. Do we not find every hour of our lives, that when men are hatching crimes and contemplating offences, they look out for associates, persons who are willing enough, and who have audacity enough to execute those purposes? It was with this view that they resorted to Castle, and after two or three conversations, you find that he was at once admitted into their secret committee in Greystoke-place; and finding he was this fit instrument, they then disclose to him the ulterior nefarious objects they had in view.

A great deal has been said of the absurdity and wildness of their scheme; I admit it, I do not deny it; it is no part of my case to deny, that it was as absurd a scheme as ever entered the mind of man; but as has been observed, desperate men have recourse to desperate and wild plots and contrivances; they are generally enthusiasts in their cause, and as they under-rate the difficulties, so they overvalue their own powers; so it was here. These men, fancying that their power was greater than it was, and believing that the spirit of the country was at that time heated and inflamed by that stimulus to which Mr. Wetherell referred (I thought it a dangerous topic for him), then, when that stimulus was at its height, when the lower orders were feeling the pressure of the times, and when from unfortunate circumstances they had, many of them, been turned out of their employment, and were suffering privations of which it is melancholy to think; it was then that these men associated themselves together for their wicked purpose, it was then that this plot was engendered and that this conspiracy was formed, and that they collected together as they did, a force of immense magnitude which they expected to be enabled to arm, and by this force to effect those objects which they had in view.

It might have been argued in Despard's case (and I have no doubt it was with equal force), this is an absurd scheme*; these men had neither money nor other means to effect their object. But here allow me to solicit your indulgence if I omit, as I know I shall, many of the facts; I may also urge some with more strength than they may appear to you to deserve; I may draw inferences from others which you may think too strong; if so, you will dismiss them from your minds. I am bound not only by my duty, but by that conviction which I feel (but I will not talk of my conviction; it is wrong for an advocate so to mix himself up in the case; and therefore I will abstain from following that example which has been set me in a way I hardly ever before heard of in a court of justice, by my learned

* Vide 7 How. Mod. St. Tr. 447, 466.

friends who have preceded me); my conviction is nothing.—In proceeding with the examination of the evidence, I must again remind you, that your opinion of the guilt or innocence of the prisoner, is not to depend upon the wisdom or folly of the plan, or upon the means they possessed of attaining their object; if their intention be proved to your satisfaction, you are to dismiss from your minds the question whether they had the ability to accomplish it. You are to examine only whether the scheme did exist, and whether they took means, such as they were, to put that scheme into execution.

Then, gentlemen, they meet in Greystoke-place. Who takes the house in Greystoke-place, where their meetings are held? Mr. Watson.—What is the purpose for which he is supposed to take it? Professedly to carry on in Greystoke-place his business of a surgeon.—But if that were the purpose, had not my learned friends the means of proving it? Have we not, on the contrary, negatived that? Greystoke-place was, as you observe, a convenient centre for their machinations; it was a convenient spot for their plots, and therefore it was that the elder Watson took the house in Greystoke-place. Who are the parties who meet here?—But here let me interpose another observation, which is most important to be attended to in the consideration of this case (I regret I interperse these observations without the order and method I could wish to follow); it has been urged by my learned friends, that you do not find Watson here, and you do not find him there; you do not find him at the Tower; you do not hear of him at Beckwith's shop. Gentlemen, I state to you, and you will I know have that statement confirmed by the bench, that if I once prove the persons indicted joint conspirators for one common purpose, namely, that purpose which I have imputed to them, then, though Watson be not in this place or the other, yet if they are all acting towards the same end, each of them is answerable for all the acts committed by the others in his absence, in pursuance of their common design; and that therefore is no sound argument which has been addressed to you by my learned friend, that the prisoner is not found at Beckwith's nor at the Tower, if the other persons charged with the conspiracy are found at those places, for then Mr. Watson is as much answerable for those acts as if he had been present at them; and there would be an end of all justice if it were not so, since a shrewd conspirator keeping himself aloof from the acts done in consequence of the conspiracy, though generally the worst offender, would escape. Your first inquiry therefore will be, whether a joint conspiracy did not exist amongst these persons; and if it did, I say, although Watson was not present at all the acts done to carry it into effect, yet he is equally answerable for them as if he had been present.

To proceed. Part of their scheme was, to see how they could prevent the cavalry acting

against them. Very fortunately for the ends of justice, Mr. Watson produces to Castle two papers, one of them a plan of a machine for opposing cavalry, and the other a plan of the Tower. "Oh, but," say my learned friends, "how are these papers confirmatory of Castle? Castle says, they were produced, and they are afterwards found at young Watson's; but then Castle was the contriver, he was the drawer of the plan of the Tower, and he contrived, in the month of October, that these things should be prepared and exhibited to him; and before the 18th of November, when the Watsons left the place in Hyde-street, Castle deposited them in that shop of young Watson in Hyde-street, and he deposited them because he then foresaw" (he must be the greatest prophet that ever existed), "he foresaw there would be a meeting on the 2nd of December; he foresaw that riots would ensue; he foresaw that young Watson would leave his lodgings on the 18th of November, and would never return there; he foresaw that young Watson would go off on the 2nd of December; and he foresaw that Vickery, the Bow-street officer, would go and find them, and that he would produce them in confirmation of his testimony." Gentlemen, when we are talking of credibility, I appeal to you as men of understanding, if such a thing was ever heard of. The fact that Watson did produce these plans to him, I find confirmed by the existence of those plans, and by their coming, with other papers to which I shall have occasion to refer, out of Watson's possession—but this in passing—for it is one of the first things Castle speaks to. His evidence is, that these plans were produced at the first meeting. Then I say that is true, and no man of common understanding, unless he is inclined wilfully to shut his eyes, can deny it.

He next gets Castle to walk with him to the Portman-street barracks, and to the King-street barracks. Is not Castle confirmed there? he is confirmed by Skinner, who says, there was a discussion or dispute between Castle and Watson, at the entrance of these barracks, Skinner being himself present. "Oh," but they say, "Castle is a man of such fertile invention, and such a prophet, that he foresaw, when he was walking up to King-street and Portman-street barracks, that it would become a question about Portman-street barracks, and therefore he says, Skinner shall be with us to see it, and to hear what passes." Did Castle take Skinner?—no; old Watson; it was unknown to Castle that Skinner would go, and the confirmation is stronger, when you see the undesigned coincidence of these facts.

What occurs afterwards?—they meet—their plot is canvassed, and Harrison is present. Harrison, of whom we heard so much from my learned friend Mr. Sergeant Copley, who says, because Harrison is in the list of witnesses, he is a witness for the crown, and that the crown meant to call him. Let me undeceive you here. By the statute it is necessary, that at the

time the copy of the indictment is delivered over to the prisoner, a list of the witnesses should be given also. In that list, therefore, is included all who may by possibility be wanted. If, therefore, there is any person who may by possibility confirm the evidence, and may be required for that purpose, he must be named; and the list is not only a list of the witnesses, as I am reminded by my learned friend Mr. Gurney, against Watson, but against all the other prisoners; and though he is not called against Watson, he may be called against others. But I do not put it upon that ground; his name was inserted, because, by possibility, he might be wanted, and because we might not be prevented calling him as a witness. He is one of the conspirators. We had, therefore, no means of compelling his testimony, unless he chose freely and voluntarily to have confessed the part he had in the business. For the learned judges would have said, he is not compellable to criminate himself, but it must be left to his option whether he will speak or not. But not so with my learned friends on the other side. If Castle told that which was false, Harrison could have proved it to be so. By the list given by us to the prisoner, he knew where Harrison was. Harrison had been a committee-man, he had been an associate with Castle; and yet, in the most material part, in that part which goes to fix them with the conspiracy and the first design, although the prisoner had the means of contradicting Castle by Harrison, Harrison is not called; and why is he not called? I will tell you—because, if he had been called by them, he would have confirmed Castle's testimony; and, therefore, I have a right to assume and to argue, that Castle is not only confirmed by the positive corroboration we have adduced, but also by the negative confirmation, by the prisoner's not calling those who could have contradicted him, if his testimony was false, in the most positive terms; added to which, Harrison's motives must be all that way; for, if he is not a conspirator himself, he must wish to have an opportunity, in an open court of justice, to assert his innocence. He would, therefore, have been anxious to come here, and contradict Castle, if it were possible for him to have done so. But my learned friends, of counsel for the prisoner, knew that, if they called him, he must confirm Castle (at least I have a right so to argue) and therefore he is not produced.

Harrison is proved to have been on the first committee. Now, I would ask you another question: If Castle is this ingenious and contriving man—if he is a man anxious to have you believe that his story is true when in reality it is false, would he venture to name a person as a party in this plot who was capable of contradicting him, and who would contradict him if called? Castle, according to my learned friend's account, is a man of so much sagacity and contrivance, that as he is inventing a lie, he takes care never to speak to any material fact, which can receive contradiction;

and yet, if his story be not true, he has, by implicating Harrison, enabled the prisoner to have called a person who might contradict him in every particular. Not only, then, is Castle confirmed by positive testimony, but his evidence is strengthened, is corroborated, is actually confirmed, by the non-production of Harrison to contradict him in the most material facts.

Whether what passed, after a drunken dinner in Bouverie-street, is material, you will have to consider; but they have had recourse to Mr. Hunt and Mr. Bryant, for the purpose of contradicting Castle as to what passed on that occasion; while, at the same time, they do not call Harrison to contradict him (as they could have done, if he had sworn falsely) on the most important facts of the case; and they conceive, they have an unanswerable reason to give for this omission, namely, that his name is in the list of the crown witnesses, and therefore the crown might have called him; though, at the same time, it must be admitted by them, that the crown could not have compelled him to give testimony. I say, therefore, again, that Castle is confirmed, not only by positive testimony, but still more, by the prisoner's declining to call Harrison as a witness.

I now come to another part of the transaction, on which my learned friends, I must say (and I say it with great deference to them, as I highly respect their talents; no man indeed respects them more, and the exhibition in this court must satisfy every one how great those talents are), but I must say that they treat the case with more levity than they should have done; I mean that part respecting the pikes; and here Castle is again confirmed by their not calling Harrison, who might, if called, have contradicted him; but they dare not do it; for Bentley himself stated, that Harrison introduced Castle to Bentley. Harrison is the man who goes to Bentley, in order to get him to make these pikes; Castle, not knowing where he might obtain the loan of a forge in order to make them, applies to Harrison, Harrison introduces him to Bentley, Bentley afterwards executes the order, and the pikes are afterwards actually delivered by Mr. Bentley to Castle and young Watson.

Gentlemen, the pikes are made; and when are they made? At the very time this plot is going on; they are made at the time when Harrison is a co-conspirator. Their plot was to break out between the 9th and the 10th, and shortly before that time they were ordered and were directed to be delivered immediately; they were made accordingly by Bentley and he has spoken to the most minute particulars of that transaction. I was surprised at Mr. Wetherell, when he stated that Castle was here contradicted by Bentley. Castle, you recollect, said, he intended to make a pattern pike, and Bentley would not let him; Bentley confirms him in this, and this appears to me such an undesigned coincidence, that it speaks

most strongly in support of Castle's evidence. Can my learned friends say, Castle foresaw that Bentley would refuse him, and that he foresaw that it might become material afterwards? it is, to be sure, a single fact of confirmation, but such a fact as shows the truth of the story. But then it is to be supposed that Castle, the contriver and fabricator of all this plot, contrived that Bentley should refuse him, in order that he might adduce that fact in confirmation of his story. Gentlemen, this is too absurd a notion for any man for a moment to entertain, and it is impossible to harbour the slightest doubt of the truth of the transaction with respect to the pikes.

Where are the pikes subsequently found? There was an attempt to get rid of the effect of that circumstance. I know you saw it; nothing has escaped your attention in the course of this trial. You heard my learned friend, on the cross-examination of Castle, ask, "Did you ever hear any thing of the key of the door in Hyde-street, Bloomsbury?" I am sure you remarked it. I observed it instantly, and saw what they were aiming at: they knew that the pikes would be traced; they knew they had been traced to young Watson's house; they knew it would be difficult to account for that, and, therefore, having blackened Castle, as I admit they have by the crimes he has committed, they tried whether they could not make him admit that he had a secret key to the lodgings in Hyde-street, and that he, foreseeing that he might be a witness, had thereby contrived to convey those pikes into that place where they were found in Hyde-street, Bloomsbury, and afterwards to have them discovered there. But is there the least evidence of that? They are found concealed in this place; and then my learned friends, feeling how this pressed, raise another argument. They say, "Oh, yes! these pikes which were intended," as it is said by Castle, "to be used offensively, were found afterwards concealed! and they were never used at all! they were never even taken to the meeting in Spa-fields!" Why, there is the most satisfactory answer to that observation. Harrison became alarmed; he declined to proceed with their plots, and he quitted with young Watson. What did this produce? There was an immediate alarm at Greystoke-place; such an alarm that they changed their place of meeting. The Blue Last public-house is the place they then fix upon as the place of rendezvous; but in the meantime Castle is to go and see whether Harrison is in that frame of mind to induce a suspicion that he will betray their schemes and their plots. I am sure you will recollect what he detailed upon that subject. He said to Harrison, "Watson says you are a traitor, you will discover the plot." "No," Harrison answered, "I am not a traitor, but I will not go any further." They are thereupon convinced, that though he had seceded, yet that he had sufficient attachment to them not to disclose the transactions going on; and there-

fore, after their alarm had subsided, but not till some time, they resumed their meetings in Greystoke-place.

On that secession they gave up their first scheme, and said we must not adventure this; Harrison is in the plot, and though he intimates that he will not discover us, yet we cannot venture upon it.—And I have no doubt, in that moment of alarm, when they knew they had in their possession the most pregnant evidence of their wickedness, namely, the pikes, young Watson took care to conceal them, lest the pikes should be brought forward as the strongest evidence against them; and you will remember they had in their future schemes no occasion for pikes. The plan for their midnight insurrection was then given up, in consequence of Harrison's secession, and from an apprehension also that the temper of the people was not ripe for it. They then determined to try the temper and spirit of the people, by calling together all the distressed, whom they could collect at Spa-fields, assembling them under pretence of one object, in order to use them for another. The object of this meeting to be held out to the public, was to be the petitioning Parliament; for they could not procure a meeting there without some avowed legal purpose; and to give an appearance of respectability to the meeting, they had recourse to the contrivance of putting the name to the advertisement, as chairman, of a man who never filled that character, Dyall: for he denies that he was chairman. And they put also the name of Preston as secretary; and then they advertized their meeting in Spa-fields.

My learned friend has reminded me of that which is a most important feature, and by far the most important confirmation of Castle upon the subject of the first scheme; I mean the application to take a house in Seymour-place. Gentlemen, you recollect one part of their scheme, wicked and diabolical as it was, and yet a scheme that might well enter into the minds of desperate men, was this; they said to themselves, We must prevent the soldiers from acting against us — and for that purpose their plan was, to set fire to the entrances to the barracks. For this object they wanted to procure a house in the neighbourhood; and they sent Castle and young Watson to inspect the streets about King-street and Portman-street, to see whether they could find a convenient house, in which to deposit inflammable substances. Here again this prophet Castle, according to the hypothesis of my learned friend, anticipates that Cosser will not let them have the house; anticipates, that six months afterwards there will be the present trial; and he contrives all this to give support to his story. They go to Seymour-place; they find an empty house; they have a reference to a gentleman at Milbank. They go to this person; young Watson is introduced; and young Watson, his father living in town, and a surgeon, is supposed from there accident to give a reference to

Mr. Thistlewood, who was one of their principal men in the plot, and who was the only man who had any money wherewith to furnish them. Mr. Thistlewood, who lives in Southampton-buildings, is the person referred to by young Watson, for his respectability as a tenant to Cosser. But what was the scheme? Why, that the house should be taken as an oil shop; it was applied for as an oil shop for young Watson. Here again is a coincidence which marks the truth of the story, because it is an unlooked-for coincidence; it is one of those things that never happens but where the story is true. And when we are on the subject of telling truth, when we hear so much of the lies of Castle, let us see what Thistlewood says on this reference to him by young Watson. My learned friend, Mr. Sergeant Copley, attempts to turn this off, by saying; "Oh, Watson had a respectable family in Lincolnshire." Have we any evidence that he had a respectable relation, a large farmer living there? He had a father living in London; that is known to Thistlewood, and yet Thistlewood does not refer to him; but says, his father was living in Lincoln, and was a respectable farmer; whereas he was well known to Thistlewood to be a surgeon and apothecary residing in London. Why do I dwell upon this? because this false account was evidently given to veil from Cosser the purpose and object they had in view, and to prevail upon him to let them have the house. But we are told that this false reference was unnecessary, because the quarter's rent and the price of the fixtures might easily have been raised. You will recollect, however, that there was a difficulty on that head, for Thistlewood told young Watson that he would give a check for the money on a banker at a few days date; and before the arrival of the time of payment, he said the whole thing would be over; and therefore it was not for that reason, but it was because Mr. Cosser was not satisfied with the reference, that the treaty went off. What was young Mr. Watson? a surgeon. He had at that time a shop in Hyde-street, Bloomsbury. What was the reason, therefore, that he wanted another shop in Seymour-place, near King-street barracks? he was not to carry on his business there; it was to be taken under the pretence of carrying on the oil trade, but in truth on account of its vicinity to the barracks, and amongst other objects, that they might get persons there to make handles for their pikes. And this suggests another reason for destroying the pikes; they had no place where the pike-handles could be safely made at that part of the town; and therefore that scheme being frustrated, the pikes were concealed, and the rest of the plan at that time abandoned.

Then, gentlemen, when you are told by the learned counsel, that there is no confirmation of Castle, I appeal to you, whether these facts do not confirm him in almost every particular of his story, and leave upon your minds such a belief of the whole of it, as entitles it to be credited by you; because, as I have before

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said, the rule of law is not, that the accomplice is to be confirmed in every particular; but that if he is confirmed in such facts as satisfy you of the general truth of his story, you are not to resist the proof. But in this case, not only is there this confirmation, but the facts themselves are sufficient, independently of any evidence of Castle, to satisfy you of the truth of this charge.

Then, the first plan is given up for the reasons I have stated, and they have recourse to another. My learned friend, Mr. Wetherell, took a wide view of the whole case; he did not think it necessary, nor was it prudent in his view to go into detail. Mr. Sergeant Copley has ventured to be more particular, and we shall see how successful he has been. The first plot having been given up, Hooper is admitted into their committee; and after this either Hooper, Thistlewood, one of the Watsons, or Preston, is every where to be found with Castle; he is at the Tower with one of them, at the public-houses in Long-acre with another, and at Paddington with a third; indeed, you never find Castle alone; but then Castle, it is supposed, is the contriver of all this; he leads all those innocent men into his snare, and he has spread his net (to use the phrase of my learned friend Mr. Sergeant Copley) so widely as to embrace them all. Their second plot, which I now come to treat of, was the best contrived for their purposes of any which could be suggested. They were a few persons without means to accomplish what they had to effect; they had given up their previous scheme, partly because they thought the spirit of the people was not ripe. How were they to rouse their spirit? Why they are first insidiously to spread their sedition from house to house, collecting one meeting at one, another at a second, and a third at a different house, and they themselves go to different parts of the town; to those places where they were most likely to find fit instruments for their purpose; to the navigators at Paddington, to the coal-heavers at the Adelphi, to the Spitalfields weavers in the time of their greatest distress; and last of all, they try their endeavours to seduce his majesty's soldiers from their allegiance, not, perhaps, expecting that they would immediately join their conspiracy, but hoping to prevail on them not to oppose their nefarious designs. And, gentlemen, what do we find them doing upon this occasion? no persons ever were more active; they are morning, noon, and night at their work. Mr. Castle is at one place; Mr. Preston at another; Mr. Thistlewood at another; and the Watsons elsewhere; and at night they are all regularly convened at their house in Greystoke-place, to produce their reports, and to see how far they are enabled to collect together a sufficient force to answer their end. What is to be the ostensible object of the meeting they contemplated? they must take care to have some object which should have the appearance of being legal, in order that the public might not be alarmed; they therefore advertised a

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meeting for the 15th of November; and they thought it necessary and prudent also upon that occasion, to have recourse to some other persons besides themselves, to give some éclat to their meeting, and who, perhaps, might be enabled to make better speeches than themselves to the surrounding multitude. I wish to say nothing of any person unconnected with this cause; I join in the reprehension of my learned friend, Mr. Wetherell, of the political principles of Mr. Hunt; but Mr. Hunt is the person sent for from the county of Hants, to make a speech at this meeting, and in order to cover their designs—do not misunderstand me in this case, I do not impute to Mr. Hunt any participation in their object, I acquit him altogether of the nefarious designs which they had in view. His name, with others, indeed appears on a paper found in Watson's pocket, but that furnishes no evidence against him.

My learned friend Mr. Wetherell, therefore, was mistaken in supposing that this paper was intended to furnish any evidence against any of the persons mentioned in it; it furnished none, unless we could have shown that those persons participated in the common design; your name or mine might have been inserted in it, and no blame could, therefore, have attached upon us; but in order to veil their designs, they held out the semblance of a meeting in Spa-fields, to petition the prince regent, and get this inserted in the public papers. Was Castle the author of that advertisement? Had Castle the means of paying for the hand-bills and the advertisement? He was a man without money or credit. Did he go to the printer, Storer, or to Seale? Is it not in evidence that the Watsons went and ordered them of Seale as well as of Storer? I think the order given to Storer was given by both; but at all events old Watson certainly came afterwards and fetched away the bills. Old Watson is found applying to the one, and failing in procuring them from him he obtained them from the other: it is however sufficient for my purpose that this meeting originated with them, and them only. There was no wish on the part of the artisans, there was no wish on the part of the distressed manufacturers, nor on the part of any individual, for this meeting, except of Watson, Thistlewood, and the rest of the six, and with them only, as one of the means of effecting their wicked purpose.

At this first meeting, there is a most numerous assembly. We have not, in detail, the addresses made to them; but it is clear they proceeded by degrees, and step by step. They then produced a tri-coloured flag. My learned friend, indeed, objected to the expression of "tri-coloured;" because, forsooth, one of the colours in this flag differed from one of the colours in the French flag; it is green, instead of blue. Why, gentlemen, that was part of their contrivance; if they had displayed the real tri-coloured flag upon that occasion, it might have excited suspicion, and have obstructed their designs; but they took care to

have something as much resembling it as they could, and it was displayed near to where Mr. Hunt was speaking. At the conclusion of that meeting, Mr. Hunt proposed an adjournment till after the meeting of parliament: Young Watson proposed, that it should be to the Monday fortnight following, the 2nd of December; and it is said, that this was upon the suggestion of somebody from behind; and here again is a strong confirmation of Castle: Castle told you, that Thistlewood was the person who desired young Watson to propose that adjournment. Then I have Castle confirmed by my learned friend's own witness in that fact; for Hunt confirms Castle in that part of the story, which is such an accidental and unexpected coincidence, as strongly shows the general truth of his narrative. Old Mr. Watson is supposed to object to this, and to wish his son not to propose the amendment; but the amendment is, nevertheless, proposed, and is actually carried by young Watson's means, and upon the suggestion of Thistlewood, and I will tell you why. I have no doubt, from the great assemblage there, and the force displayed, they began to think their schemes were within the reach of accomplishment; and that they then resolved, if they could, to procure such another meeting, and to take care to circulate a bill before it arrived, which should a little show the design they had in view, but which should still be sufficiently obscure as to leave the matter open till the 2nd of December. They take care too, that this riotous meeting shall be on a Monday—a day of all others on which the artisans and labourers are most likely to attend; they fix it for Monday the 2nd of December. But what are they about in the mean time? and here it is that we confirm Castle at every step he takes from the 15th of November to the 2nd of December; there is hardly an act spoken to by Castle in which he is not confirmed; they are most active and busy in going from place to place. Watson prepares the placard, for he is the author of it; he also sketches out the motto for the flag; but here we shall be told again this was all the contrivance of Castle; and there was an attempt on the cross-examination of Hunt, to make Castle state that it was "his" flag, although in the lodging of young Watson, there is the drawing of that flag, with the very motto afterwards inscribed upon it.

But, attend to the conduct of the conspirators in the mean time. They go to Paddington, and hire men to carry round their placards. We have a most eloquent eulogium, by my learned friend Mr. Sergeant Copley, on the motto, "England expects every man to do his duty!" and he attempted to divert your minds, by a digression to the occasion of it; but I think my learned friend hardly called your minds to any other part of that hand-bill—it was tender ground. My learned friend felt that, if he could stop at the motto, he should do well; he felt that he should arouse your feelings as Englishmen, by calling to your remembrance the brave conduct of our sailors

upon the occasion of that motto, and he took care not to damp them by reading a single syllable more. But, with your leave, I will read a little more of it, and then we shall see with what insidious design that meeting was convened.

It states, that "a meeting will take place in Spa-fields, on Monday, the 2nd of December, 1816, at twelve o'clock," although Mr. Hunt tells you it was proposed to meet at one, and that the Watsons knew that circumstance; but they, who knew that, took pains to have it stated in the advertisement, that the meeting was to take place at twelve o'clock. This may appear a trivial observation, but I think you will see that it operates most strongly in support of the case made out by Castle, and most strongly in support of the designs which we attribute to them; "to receive the answer of the petition to the prince regent, determined upon at the last meeting held in the same place, and for other important considerations." If that was the object of the meeting, the placard and advertisement need not have stated any thing more; they were to meet according to this advertisement, to receive the answer of the prince regent, and for other important considerations; but then see what follows, printed in a larger character to attract the eye, and to attract notice. "The present state of Great Britain: Four millions in distress!!!—Four millions embarrassed!!!—One million and a half fear distress!!!—Half a million live in splendid luxury!!!—Our brothers in Ireland are in a worse state—The climax of misery is complete; it can go no farther, death would now be a relief to millions.—Arrogance, folly and crimes, have brought affairs to this dread crisis—firmness and integrity can only save the country!" This is the advertisement and the placard which was distributed in order to induce persons to attend this meeting; and then (which as my learned friend the attorney-general observed, is the worst part of this placard, because evidently intended to masquerade their real design) they have in the smallest character stated, that "after the last meeting, some disorderly people were guilty of attacking the property of individuals—they were ill-informed of the object of the meeting." Yes, gentlemen, they were ill-informed, and it was the object of these conspirators that they should now be better informed. Yes; get them together, and then after their passions have been roused, after they have been inflamed by speeches about their distresses; then it was that they were to be informed of the real object of the meeting, and "it was not to plunder persons suffering under these calamitous times in common with others; the day will soon arrive when the distresses will be relieved;" and then in larger characters, "The nation's wrongs must be redressed!"

My learned friend, Mr. Sergeant Copley, has argued at considerable length on this part of the case, and he asks what is meant by that placard? he says, if it was intended to excite

insurrection on the 2nd of December, they gave public notice of it by these placards, from one end of the town to the other; they proclaimed to government the nature of their meetings; and they themselves chose to do this, in order as it were to interpose hindrances to the completion of their plans, that the magistrates and police officers might be in attendance, and that the military might be in the neighbourhood. Why, gentlemen, I answer, that this placard did not fully disclose their purpose, nor did they open it to those persons among whom they circulated it, persons principally amongst the lower orders, amongst whom the instructions given were, that they should be distributed; and though the apparent object of the meeting was stated to be to receive the answer of the prince regent, yet these other circumstances were added, in order to draw together a larger meeting, and to prepare the minds of those assembled for what was subsequently to follow.

But after they had distributed their placards and hand-bills, what was next to be done? One part of their plan was, that the Tower should be attacked; and you have it in evidence, confirmed over and over again, that they went from time to time to the Tower, that they had communications with the soldiers there, that to them they held language which nobody could misunderstand; such as, "Whether they would like a big loaf rather than a small one?" they showed to the men there the tricolours; they asked them questions, whether they would surrender the Tower? they went from time to time, treating the soldiers with beer and other liquors, and endeavouring to seduce them; and they carried the hand-bill itself to the Tower; for though the hand-bill was not confirmed in its very words, it was sufficiently recollected to satisfy every one that it was the same. They went, indeed, far enough towards seducing the minds of the soldiers, if their minds were to have been so affected. To procure a large assembly they also went to Paddington, and invited all they could to attend. They went to Maudsley's, the smith's manufactory, in Westminster-road, to procure all the men they could from thence; and they went to other places, and afterwards assembled nightly to make reports of their success.

But when the people were so assembled, and had been worked up to their purpose, they considered that they must have arms; how are they to procure them? the contrivance was, that the gunsmiths shops should be instantly attacked; and I suppose Castle is not confirmed in this part; and that no gunsmiths shops were attacked, or that the attack was not confined to gunsmiths only; but they must also have arms themselves; young Watson must have pistols, in order that, if opposed by any one, he may by force execute his purpose; and this part of the case stands so strong and so confirmed, that neither my learned friend yesterday nor my learned friend

who addressed you to-day, ventured to make any observations upon it. The papers were put into the room at Hyde-street, Bloomsbury, by Castle; the flag was prepared by Castle; the pikes were concealed by Castle at Hyde-street; but the pistols bought on the Friday and Saturday, were they also put into the pocket of young Watson, and the breast of old Watson, by the same contrivance of Castle? Gentlemen, these are facts which confirm Castle in this part of the case beyond the possibility of doubt. The pistol with which that unfortunate gentleman, Mr. Platt, was shot, the pistols found on Hooper, and the pistols found on old Watson, are the very pistols which were purchased on the Saturday and Sunday preparatory to this meeting. But still, say my learned friends, this was a peaceable meeting; it was intended to take into consideration the answer of the prince regent to the petition; no violence was proposed; no insurrection intended. But if so, why do the Watsons, Hooper, and Thistlewood, go armed to that meeting? Can you form to yourselves (and I ask you as sensible and rational men) any suggestion why these men, and these men alone, go armed to this meeting at Spa-fields? for you do not find that any one individual went there armed besides those who had procured this meeting; those men (who had indeed peace upon their mouths and in their apparent intentions, but who had mischief and treason in their minds) go with arms for no purpose which has been or can be suggested, except that which is charged upon them by this prosecution, and which they attempted to put into execution, but in which they, fortunately for the country, failed.

If you want further evidence of that, I will go to their acts, and see what they did with their arms upon that day; and then let us judge of their intent.

The second meeting in Spa-fields was professedly adjourned to one o'clock, when Mr. Hunt was to make his speech; but I have gone from events of the first day before I intended, and I have passed over a most important scene at the close of it, in Bouverie-street, which had nearly slipped my recollection, but from which, I think, you must perceive that most important inferences of the guilt of the prisoner arise. They were all found in Bouverie-street, I care not whether invited or not; but there they were all met at dinner with Mr. Hunt, and his friend and companion Mr. Bryant. They are a most loyal set; and, according to Mr. Hunt, the toast of "the king" is given first after dinner. Here we have a contradiction, which is to cut down Castle's evidence altogether; a most important contradiction! But when he could have been contradicted in other parts, if his story was false, in those parts, too, which pressed most materially against the prisoner at the bar; when he could have been contradicted by Harrison, and by another person, whose name I will bring to your recollection,

Keenes, who might also have been called; those persons are not produced; but Mr. Hunt, and his friend Mr. Bryant, who are present at this dinner in Bouverie-street, after the meeting on the 15th of November in Spa-fields, are produced, in order to contradict him in this, that the king's health was given as a toast. Whether that toast was given or not is quite immaterial; but there is another transaction of that day not quite so unimportant. Castle proposes a toast, which I will not repeat to you, but upon the giving of which not a man in that room ought to have stayed one minute longer with him. I say, that when that toast was proposed by Castle, instead of merely shocking the tender and delicate feelings of Mr. Hunt, he, and every individual in that company, ought either to have turned Castle out of the room, or to have gone out of the room themselves, and left him to enjoy his dinner by himself. "It is a violent toast,"—that is the term applied to it by them. But he is still suffered to remain till the party broke up: nay, after that, Castle does not deny that there was a conversation about a French prisoner, and Mr. Hunt is again shocked; and he exclaimed, "Oh! contrive the escape of a French prisoner! you must not talk of such a thing."—"Oh!" said Watson, "he is my friend; he is an excellent fellow; he is, to be sure, rather violent, but I have the greatest confidence in him." I charge, therefore, upon Watson, that if Castle be the infamous character which they represent him to be, that if he be that abandoned wretch, still that Mr. Watson and the others are his associates, with the full knowledge of that character.

You are next told by Mr. Hunt, that some time after this, Castle is supposed to sham sleep, and that Mr. Hunt gave him such a blow, in order to awake him, that it would have knocked any other man down; and yet, strange to say, it had no such effect on Castle. The friend of Mr. Hunt, Bryant, upon being asked whether he struck him, said, "he might have put his hand upon his side, in order to awake him, or he might give him a stroke upon his side." Such is the representation of this occurrence by Mr. Bryant. But Mr. Hunt says, the blow was such as would have knocked any other man down. If I were to analyse the evidence given by Mr. Hunt and Mr. Bryant, I could produce more contradictions from it than all they have attempted to give to Castle. The bill is afterwards called for; Castle has no money; and this man who has so shocked the delicacy of Mr. Hunt, and so offended Mr. Bryant, has his share actually paid for him either by the one or the other.

I should have been extremely sorry, if I had passed over this transaction, because it furnishes this observation, from which I cannot be shaken; that Castle, this villain, this perjured character, and to which may be added, any other epithet you may think fit to bestow upon him, is the companion of the Watsons, with a full knowledge on their part, of his character,

as appears evidently from this conversation. I say therefore, the blacker my learned friends make Castle, the more probable they make the guilt of his associates; the blacker they make Castle, the more fit they make him to be an associate in their designs; and it is not to be objected to Castle, that he is not a credible witness against the prisoner, when he is found to be his friend and associate, with a full knowledge by Watson of his iniquities and his crimes.

Supposing his character to have first appeared to them on the 15th of November, still, with a full knowledge of what passed on that occasion, you find him their companion; they do not abandon his society in consequence of the toast he had proposed, or of his having assisted in the escape of a French prisoner; his principles therefore must be taken to be their principles; and it is clear, that after that they act with him till the 2nd of December.

Previous to that day, however, there is another confirmation of Castle. Fearing their meetings and consultations in Greystoke-place might be too frequent, and attract notice, they take a house in Dean-street, and there they assemble at dinner the Sunday preceding the 2nd of December, on which the plot broke out. Keenes is there, as stated by Castle, on that occasion; why is he not called? Angel is there, why is he not called? Their not being called proves it to be true, that they met there and dined together; not the whole party indeed, for Thistlewood dined with the Evans's at his own lodgings. Castle's account of that day is confirmed, as you will find, in every minute particular.

I am afraid I am tiring you with these observations, but I shall soon bring them to a close; for I am now arrived at the important day, the 2nd of December, a day or two before which a waggon is hired; and I do not go through that part of the case, because it is admitted that Castle is confirmed at every step with respect to the hiring of that waggon. The principal meeting on that day was expected by the public to be at Merlin's Cave, and Mr. Hunt was to be there at one, according to the adjournment; but these persons were by their plan to be at Spa-fields before, in order that they might not be interrupted in their scheme; because if the officers and the troops were to be there, it would be to watch the proceedings at one o'clock, since no one but the conspirators had any notion that any thing would take place before. But before twelve where do you find young Watson? Why, in prosecution of the scheme of collecting persons, he is in Houndsditch, and he has one of the flags parading the town, to collect his forces, and then proceeded to the waggon.

Much has been said of Castle's not accounting for himself that morning. His part, you will remember, was, to go to London bridge to meet the smiths; now he really went there, and not finding them, he proceeded from thence to the Tower, and you heard how he

occupied himself till he met old Watson in Little Britain; so that he is most satisfactorily accounted for. At Spa-fields are Preston, Hooper, Watson, and Thistlewood. Upon that occasion old Watson first addressed the multitude; and here I must complain of the insinuations thrown out against another of the witnesses, Dowling, on whose character there is not the slightest imputation. He was at Spa-fields in the prosecution of his occupation as a reporter for "The Observer" newspaper; but he is to be attacked because he communicated afterwards, as he was bound to do, to the Secretary of State's office, that which he heard on that day; and because, since that time, he and his brother have had some employment under government, for which they have received compensation; and this is insinuated as an imputation on him, as if he had been bribed to come and state on this trial what was false. These insinuations ought not to be slightly made; but I fearlessly ask you whether the least discredit attaches to Mr. Dowling for his conduct, and I will show, if necessary, how he is confirmed by the evidence of other persons.

I will not tire you now with reading the whole of old Watson's speech, but I think you will find it began, "Friends and countrymen; we are convened this day in consequence of a resolution passed at our last meeting." Now in the house of young Watson was found, under the inscription of the flag, that which evidently purports to be the commencement of a speech; and it begins thus, "Friends and fellow citizens. It will not be necessary for me to state the purpose of our meeting this day, as it was clearly understood on Friday, it being one of our resolutions." The commencement of old Watson's speech, though not in the same words, conveys the same ideas. The manuscript then goes on "Sir F. B. on account of the dangerous state of his son's health, declines presenting the petition to the George Guelphs, commonly called the ————" and I read this because you have been told (and it has been asserted with great confidence by my learned friends) that nothing has ever been hinted or suggested by these persons disrespectful to the king, the prince, or crowned heads; but after this piece of evidence, my learned friends will not, I think, continue their assertions. I do not tire you with a repetition of the whole of Watson senior's speech, but it was most inflammatory, and well calculated to excite the feelings of the surrounding mob: he is followed by his son, who is still more violent in his language, because he knew what was intended to follow. His speech is a string of interrogatories to the people—receiving from them constant approbation to the questions put to them; they answered in the affirmative where he expected an affirmative, and in the negative where he hoped for a negative; and then he concludes, "If they will not give us what we want, then shall we not take it? are

you willing to take it? if I jump down among you, will you follow me?"

You will recollect that the parts of this speech, heard by the two Sheermans, confirm Dowling; and they both heard the conclusion. From the waggon from which this speech was delivered, were displayed flags and a banner, and upon the banner was an inscription evidently meant to affect the minds of the military, and corresponding with the expression used to the soldiers at the Tower. It is "The brave soldiers are our brothers; treat them kindly." Here, I think, I may appeal with success to my learned friends, and ask them what this banner meant, and for what object it was exhibited, if not for that which we impute to the prisoner and his companions? can my learned friends suggest any other reason why it was displayed? If they could have given a reason satisfactory to your minds for the use of that banner, or for the arms these persons had on that day, they would have done it in their addresses to you; but they have in this wholly failed.

Young Watson then proceeded to Beckwith's, and you find old Watson going also in that direction. I will not go over the melancholy transactions at Beckwith's, except to say I was surprised when I heard any excuse attempted for the conduct of young Watson there. Was there any thing in the behaviour of Mr. Platt to call for the opposition of Watson? The exclamation of young Watson in the shop was, "Arms! arms!" and yet you are told gravely by my learned friend, Mr. Sergeant Copley, that he thinks it was not part of young Watson's design to get arms; but that after he was taken up stairs, the mob came in and conceived the design of taking arms, and took them in consequence. But how does my learned friend account for young Watson's exclamation, "Arms, arms, I want arms!" Was Castle the contriver of this? Is Castle the person accompanying young Watson into the shop? Does he contrive this part of the scheme as well as the rest, in order that evidence might be adduced against Watson and the others on this trial? for be it recollected, if you are satisfied, as I think you must be, that they had a common design in Spa-fields, the acts at Beckwith's being in prosecution of that design, are as much to be attributed to old Watson as to his son; and it is no answer to say, old Watson was not there, and therefore he is not answerable for them.

Whilst I am on the outrage of young Watson at Beckwith's shop, let me make an observation upon his supposed contrition at the act he had perpetrated. Mr. Platt proved, that after he was shot, and after young Watson knew he was wounded, he took the butt-end of the pistol and endeavoured to strike him, and almost immediately afterwards he took a brace of pistols, and loaded them, before he left the shop. Such is the conduct of the man who is represented to you as not intending the violence he offered to Mr. Platt;

and his contrition consists in attempting to strike Mr. Platt with the butt-end of the pistol after he had shot him, and then loading other pistols for further mischief. But when advocates have strong facts to deal with, they frequently have recourse to weak and superficial observations to endeavour to get rid of them, and therefore my learned friend attempted to affect your minds with a show of contrition on the part of Watson, keeping out of view the other part of his conduct. But the striking fact in this part of the occurrences of that day is this (which nothing can explain, and which shews what was the design in view,) that there was no other shop attacked, but those of the gunsmiths; there it is they are to find arms; and you cannot but observe the readiness with which they are selected by young Watson, he having previously, as it is in proof, gone round the town to mark out the places where arms were to be procured, and, consequently, knowing where resort might be had for them.

You will recollect, moreover, an expression used at the time of the mob's quitting Spa-fields, and I leave you to judge from whom it proceeded—"To the Tower," was heard. You will judge whether this could have proceeded from any other person than young Watson, or some other of the conspirators; for, as to the mob, they were assembled in Spa-fields for a very different purpose: and yet, as soon as they were led out of the fields, "To the Tower" was the cry, and in the direction of the Tower they proceed. We were amused with some merriment, by my learned friends, upon what passed in their way to the Minories, and upon the supposed resistance of sir James Shaw; but, upon this part of the case, I beg to call to your recollection the evidence of Mr. White, who was in company with the lord mayor and sir James Shaw.

Some observation has been made, because we did not call the lord mayor, but I will tell you why he was not called. We examined sir James Shaw, and proved what passed within his knowledge. The lord mayor was here in attendance two days, but his election for the city coming on on the third, and it being inconvenient for him to attend, we thought it unnecessary to detain him to prove facts already in evidence; but you will recollect the evidence of Mr. White, who said, that after he and sir James Shaw got into the Exchange, so alarmed were they, that he was sent immediately for the military in Gray's-Inn-lane, and thinking the danger imminent, he got on horseback, and galloped to the place with as much speed as might be; and yet we are told there was no alarm, no outrage, no harm done: true, Mr. Platt was wounded; all the shops were shut up; troops were sent for; and yet all this is nothing. This was no tumult, or if it was, it was to be punished under the riot act, and cannot be made treason.

We have been told that it would be puerile to contend, on our part, that this was treason.

I cannot help thinking that this expression may be retorted on my learned friend, when he talked of this as a common riot and disturbance, merely because it might have been easily put down. As I have had frequent occasion to observe, the question is not, whether this disturbance might have been, or was, in point of fact, easily quelled; nor does the guilt or innocence of the prisoner depend upon whether their purpose was or was not effected, or whether their means were adequate. If they conceived the purpose, and took a step towards it, the crime is complete, nay, as complete as if they had taken the Tower and the Bank. If they had succeeded in taking the Tower, my learned friends seem to consider that the crime would have been treason: if it would, as the essence of the offence is the treasonable design, I say, as a lawyer, the crime was as complete, on their moving from Spa-fields, as if they had taken the Tower or the Bank; for if it were otherwise, and the crime were to depend upon the effecting the treasonable purpose, no treason could be punished but when it was successful; and if in this case it had been successful, you would not have been assembled in that box to exercise your functions as jurymen; and yet the argument on the other side must go that length, or it is worth nothing.

Treason is the act of the mind, and in this case the treasonable purpose being established, the offence is complete by the acts they did. You have heard what they did at the gunsmiths shops. You have heard also that, which gives me leave to say is proved incontrovertibly, that Thistlewood was at the Tower. I do not say whether Watson might not also have been there, because I think when I call your attention to two witnesses not mentioned by my learned friends, I shall show, out of the mouth of Watson himself, that he was at the Tower. Thistlewood, it is proved, however, went to the walls. I care not, upon this part of the case, whether the scheme was visionary or wild; it may be as much so as ever entered the heart of man to devise, still the only question is, what was the fact. At the Tower Thistlewood speaks to the soldiers. But it is said, there is a variance between the testimony of the soldiers. It is a trite observation, that slight discrepancies are the strongest confirmation of the main fact; no two persons agree upon the details of occurrences they have witnessed; they will vary in minute particulars, and such variation is the strongest test of the truth of what they relate; here, there is a variance in the expression spoken to by one and the other; one said, the expression was "we will make you captains and give you double pay;" the other, "we will give you a hundred guineas and double pay;" it is not improbable both were right; tis not improbable both Watson and Thistlewood were there, and used those expressions. Castle says, they were both there; the soldiers say, they saw one man, but they do not say they were attending at the same

time. This, however, is treated as nothing and unimportant by the other side, though the soldiers however thought it so important that they communicated it to the serjeants, who communicated it to their superior officers. It is clear therefore, that this was something that actually took place: this is not all a fiction, nor is this the invention of Castle, because it is proved by three witnesses. The credit of one is indeed attacked; but though my learned friends asked Heyward, whether he had ever communicated what he heard, and he said he had that same day to a man of the name of Bent, and another of the name of Ensor yet they have not called either of these persons to deny it; those men's names were taken down by my learned friends, and their residence also; now we could not call them to confirm Heyward, since it would not have been admissible evidence, nor were the names of those persons in the list of the witnesses, but the other side might have called them to contradict him, and not having done so, the fact is as much confirmed by the non-production of Bent and Ensor, as if we had been enabled to call them to confirm Heyward's testimony.

Thus we have given in evidence, by unimpeachable witnesses, almost all the facts which were wanted to fill up and confirm the scheme alleged by Castle to have been the scheme of that day.—The speeches at Spa-fields, which show the design; the attack on the gunsmiths' shops; the going to the Tower; all proved independently of Castle, and yet still we are to be told, this is only a riot within the Riot act and no treason, though proved, as I contend it has been done with this design, and no other, for I will ask my learned friends, in the language of the attorney-general, if this was not the object, what other was there for their going armed to Spa-fields? Why not give us a reason for the attack upon the gunsmiths' shops, and on those shops only? Why not assign a cause for Thistlewood's going to the Tower? Why do not my learned friends give you some other reason, why out of the 50,000 persons assembled in Spa-fields (for some of the witnesses have mentioned that number) Watson and the others are the only persons armed at that meeting?

It is obvious that none other has been given, because none other can be assigned. I ought not to omit that there is another contradiction of Castle attempted with respect to Mr. Hunt. Castle said, that having been at the Tower, and finding the conspirators had not been there, he proceeded along Cheapside to Little Britain; he there met old Watson and Thistlewood; and Watson said, "To the Tower, Jack:" having thus seen them he was returning from thence with Keenes towards the Tower, and met Mr. Hunt in Cheapside; he told you, he said to Mr. Hunt you are late; that is confirmed. Hunt replied, that it wanted twenty minutes to one; Castle then said, young Watson was gone to the Tower an hour ago. Mr. Hunt, however, swore the expression was,

"that the Tower had been in their possession an hour;" but although Mr. Hunt's servant was riding with him, although Keenes was with Castle, and therefore, they could both have contradicted Castle, if he were incorrect in his statement, how is it they were not called for the purpose? for Mr. Hunt being stopped in this manner in Cheapside, and being told he was late, might not have accurately regarded the expression, nor distinctly have understood, whether Castle said, "we were in possession of the Tower an hour ago," or, "that young Watson was there an hour ago;" but I cannot help remarking (I mean no reflection on Mr. Hunt) that after that expression of Castle's; which ever it was, I am surprised Mr. Hunt continued his course to Spa-fields, or that he should afterwards have there joined the meeting of that day.

My learned friend says, it was by mere accident, and great providence, that Mr. Hunt was not entangled in the net; but if there were this great discretion about him, to which my friend has adverted, I wonder he did not say to Castle, "Good God! to the Tower; what are they doing there? I must communicate this to a magistrate, and take care that their nefarious designs may be prevented." But no; he goes on in his tandem, and he finds a large meeting at Spa-fields—a very respectable meeting, no doubt, ready to attend to the orations which he there delivers. I mention this not as reflecting on Mr. Hunt; I impute nothing to him; but these observations arise on his appearance as a witness, and out of the transaction; and these I am entitled to make.

There are two other witnesses respecting the transactions of this day, to, whom my learned friends have not adverted at all; the one, a woman, who kept a public-house in East Smithfield; the other a sailor who state to you, that upon that very day, directly after the riots (the man said, between one and two—the woman, between two and three), Watson came into the house; he declined going into the parlour, because he did not like the company, they being of the higher order, but he went into the tap-room, the door having been opened to him to go into the parlour. "No," he said, "I must go where I may have liberty of speech;" and thereupon he went into the tap-room, and used this expression: "My brave fellows, if you had followed me, we should have had the Tower!"—This is Watson, who had nothing to do with these transactions, who is ignorant of what is going on upon the 2nd of December, who knows nothing of what is passing at the Tower, or at Beckwith's: no, this was an invention of Castle's; and yet you find him using this expression. Is it not clear, therefore, he was at the Tower or near it?—is it not clear he accompanied the mob to the Tower, though we cannot identify him? Why, I have it from his own mouth, from the most unimpeachable of all testimony against Mr. Watson—from Mr. Watson himself.

The transaction thus ended at Spa-fields: what becomes of those innocent persons who were there upon that occasion? where is Mr. Watson? He decamps that very night; Thistlewood leaves his lodgings in Southampton-buildings without notice: Watson and his son also leave their lodgings that very night, without any previous notice or intimation of their intention. Where are they found—I do not say they, though there were two other persons in company with Watson that night, who fired pistols; who they were, we do not distinctly know. You find Watson, however, armed with one of the pistols purchased the preceding Saturday; and what is found in his pocket when he is taken? did Castle place the papers in his pocket? You heard before, from Castle, that they had designed a committee of public safety, in case they succeeded; and in Watson's pocket is found a paper containing a list corresponding with the list Castle mentioned to you; and there is found another paper in his pocket, which is confirmation strong of Castle's story; it contains the divisions; and the barricades, which are treated as so visionary; there are the smiths at London-bridge, whom Castle was to have accompanied from Maudsley's manufactory; and in this paper, after Saint Giles's, and so forth, there are the Tower and the Bank. With respect to the "smiths," there is that which is most material. "Smiths, Westminster-road, form three divisions, collect numbers, and meet at London-bridge," the very place where Castle went on the morning, where he says he expected to meet the smiths, but in which he was disappointed; "where will be met and led to the Old Man," that cant term is always used as applicable to the Tower, as Castle said "form three divisions, collect and meet at London-bridge, where will be met and led to the Old Man, Paddington to proceed to St. Giles's, barricade each side to Holborn Bars, branch off to Temple-bar, barricade Chancery-lane, Carey-street." Then here is in Watson's pocket that which confirms the whole account given by Castle, which shows you that this plan, visionary, fanciful and inefficient as it appears to be, was laid down on paper.

I have now gone through with more minuteness than was necessary, this important case, and I have gone through it in detail, showing how Castle is confirmed step by step; but before I sit down, let me desire you to consider this case also, independently of Castle's evidence, and I am sure you will find that there is evidence strong and decisive as to the guilt of Watson, wholly exclusive of Castle's testimony: I say the fact of their all going armed to Spa-fields? of the speeches there made; of their acting with a common purpose, in destroying the gunsmiths shops and taking arms; I say that purpose, confirmed by the antecedent evidence of their tampering with the soldiers; that they were the persons who called the meeting; that they met at Spa-fields an hour before the intended time, and imme-

diately proceeded to their own nefarious purposes, not those purposes for which Mr. Hunt was to attend there. You must, I think, agree, that the evidence is strong and conclusive as to the prisoner's guilt.

I will not at this late hour go more minutely into the case, but let me remind you, that if this be an important case as it affects the prisoner at the bar, it is of infinitely greater moment as it concerns the British public. Powerful observations have been addressed to your feelings, in order to excite your commiseration towards the situation of the prisoner, and also to induce you to come to a conclusion against the credit due to Castle's evidence. As I said before, if you can, as honest men, reconcile the facts proved with the prisoner's innocence of the charge, give effect to those observations, and do, as unquestionably you are bound to do, acquit him; but if as honest and as firm men, (and as Englishmen I know you are firm) I say, if as honest, firm, and conscientious men upon a calm, quiet, dispassionate review of the case, unmixed with political feelings, and unaffected by any prejudices attempted to have been excited in your minds without these walls or within, having divested your minds of every impression respecting this transaction, except what has been made by the evidence before you on this occasion; giving all the weight due to the arguments and observations of my learned friends, and at the same time giving due weight (if weight they deserve any) to those observations which I have ventured (most feebly) to make on this case, watching with scrupulous attention the evidence as it is to affect the person accused, and feeling, if you please, every inclination not to draw any strained or forced inference (for you ought not to do so) in his exculpation—If, I say, upon such a review of the whole case, you find it marked with a traitorous design to create insurrection, and to overturn the government, then recollect the observation I have so repeatedly made, that however inefficient the means to the end, however small the extent to which the parties proceeded before they were stopped, however negligent the police or military were, in not preventing it (supposing any such negligence could be imputed to them); if, I say, notwithstanding all this, you are satisfied, as honest men, that such a design was harboured in the minds of these persons, then I call upon you, as you respect the rights of the public, as you estimate your own peace and security in future, as you are anxious to preserve the due administration of the laws (which, I thank God, whatever other imputation has been cast upon these times, and, notwithstanding any insinuation to the contrary, still remains pure) to act upon that conviction, and to pronounce (as you are then bound to do by the oath which you have taken) the prisoner guilty of the crime imputed to him.

Lord *Ellenborough*.—We cannot conveniently assemble on Monday before ten. The grand jury are to attend here.

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A *Juryman*.—My lord, we hoped we should not be dismissed till the cause was determined. We have attended six days, and it is of material importance to us as members of society, that we should not be kept longer than is actually necessary.

Lord *Ellenborough*.—It is the wish of every body that the business should be brought to a conclusion as soon as possible; but it is quite impossible to recite the evidence to you after this hour: it would not be possible to read it through.

A *Juryman*.—It is only six o'clock, my lord.

Lord *Ellenborough*.—I should have to detain you several hours.

Mr. Justice *Bayley*.—My lord is very much fatigued already.

A *Juryman*.—I hope the Court will consider the situation of our families.

Mr. Justice *Abbott*.—I trust that every attention has been, which could be, paid you, gentlemen, consistently with the duty you have had to discharge.

Mr. Justice *Bayley*.—I doubt whether you would be able to pay that attention to the evidence to-night which you will do on Monday.

Foreman of the Jury.—I am convinced it is impossible to go through it; here are six days recapitulations.

Lord *Ellenborough*.—I should be exhausted before I could complete it.

Foreman of the Jury.—I should be as happy to be dismissed as any body, but I see it cannot be.

A *Juryman*.—I presume we are not to be confined all day to-morrow, my lord.

Mr. Justice *Abbott*.—I dare say, gentlemen, care will be taken of that. You recollect what was said before: it would be much better that that should be discussed in private.

COURT OF KING'S BENCH.

Monday 16, June 1817.

[James Watson was set to the Bar.]

SUMMING-UP.

Lord *Ellenborough*.—Gentlemen of the Jury, the evidence on both sides being now closed, and the counsel for the prosecution and for the prisoner having concluded their observations upon that evidence and upon the law of the case, it remains for us to discharge our respective duties. It is mine, to present to you, as well as I am able, the evidence which has been given in the course of this long investigation, together with such remarks as occur to me upon it. It will be yours, dispassionately and conscientiously,

to consider that evidence and those remarks, and to form those conclusions which justice may require.

The indictment contains four charges of high treason; two of which are founded upon the stat. 25 Edw. 3rd, which exists in full force at the present day. It was made to correct the defects in the ancient law of treason, and to declare what offences should be deemed treasons thereafter. Several subsequent statutes, declaring other treasons, have expired or have been repealed. The recent statute of the 36th of his present majesty (under which the two remaining counts of this indictment are framed) may be said not so much to introduce any new treasons as to declare to be substantive treasons those acts which had been, by successive constructions of the statute of Edward, determined to be the strongest and most pregnant overt acts of the several treasons specified in that statute.

The first count is framed upon the stat. 25, Edw. 3rd, and charges *the compassing and imagining the death of the king*. This, although very properly inserted on the record, is not that to which your attention need be most particularly directed. There certainly does not appear to have been any immediate compassing and imagining to put the king to death; but still, under this charge, all attempts at the destruction of the regal government of this realm, by which his majesty's person may by just intendment be endangered; such as the deposal of the king from his royal state and dignity, the imprisonment of his person, and other measures attempted to be accomplished by open violence, by which the sovereign rule and authority of the king, as established by law, is sought to be overturned; have been so far deemed to be immediately aimed at the personal safety of the sovereign, as to be considered pregnant and conclusive evidence of a purpose to destroy the king; for the general experience of all ages has shewn that between the prisons and the graves of princes the distance is very small; and that their death is a proximate consequence of their dethronement. "It cannot" to use the words of lord chief justice Eyre "be denied, that he who means to depose the king, compasses and imagines the death of the king; it is, in truth, a presumption of fact, arising from the circumstance of intending to depose, so undeniable and so conclusive, that the law has adopted it, and made it a presumption of law."⁶ I do not think that the facts of this case require that I should dilate upon the charge of compassing and imagining the death of the king. It very properly forms a count in this indictment, and the overt acts alleged, so far as they are evidence of an intention to depose are also evidence of compassing and imagining the death of the king.

The second count, which is framed upon the later statute (the thirty-sixth of his present

majesty, c. 7), charges *the compassing and imagining to depose the king*: and all the overt acts which are alleged as the means adopted for the destruction of the regal authority within this realm are, in contemplation of law, *evidence of the purpose* to the accomplishing of which they are subservient, namely, the compassing and imagining to depose the king. The several overt acts, therefore, which are here set forth, if in your judgment they are truly imputed to the prisoner, are material evidence on the charge of compassing and imagining to depose the king, that is, to destroy, so far as his personal exercise thereof is concerned, the whole regal authority of the realm.

The third count is framed upon the old statute, and charges *the levying war*. Upon this there has been considerable discussion; and, with reference to it, I would rather adopt the expressions of the grave authorities and text-writers upon our law—of Mr. Justice Foster, and lord chief justice Hale—than use any language of my own, because the sentiments uttered by them have undergone the review and been sanctioned by the approbation of the most learned of their successors: and the doctrines laid down by these eminent persons have since been adopted and acted upon, so as virtually to have been received as the undoubted law of the land.

Mr. Justice Foster says, "Insurrections, in order to throw down all inclosures—to alter the established law, or change religion—to enhance the price of all labour, or to open all prisons—all risings, in order to effect these innovations of a public and general concern, by an armed force," and *by any multitude competent to effect the purpose, even if they be not armed*, for his argument amounts to that, "are, in construction of law, within the clause of levying war." In another part of his work he says, "Every insurrection which, in judgment of law, is intended against the person of the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him; these risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not." I cite this merely to show that it is not necessary that there should have been an armed force to the extent to which, in this case, the proof exhibits it. Here were arms, but even if there had not been arms, *numbers* supply the place of force and the power of arms. "Insurrections, likewise," adds Mr. Justice Foster, "for redressing national grievances, or for the expulsion of foreigners in general, or indeed of any single nation here living under the protection of the king, or for the reformation of real or imaginary evils, of a public nature, and in which the insurgents have no special interest." Now, the words "*have no special interest*," obviously refer to the language of the stat. 25, Edward 3rd, in which there is a proviso that acts simply resulting from and relating to private quarrels, and acts which, although done

⁶ R. v. Horne Tooke, 4 How. Mod. St. Tr. 725.

by an armed force, are done with a view to private advantage, shall not be adjudged treason. This provision applies to the case of persons engaged in a sort of predatory warfare between neighbouring chieftains, and which was very common in the early periods of our history: that is not a "levying war against our lord the king in his realm." The words of the statute are these: "And if percase any man of this realm ride armed covertly or secretly with men of arms, *against any other*,"—not *against the king*, but in the course of such hostility between neighbouring chieftains as I have mentioned—"to slay him, or rob him, or to take and retain him till he hath made fine or ransom for to have his deliverance, it is not the mind of the king nor his council, that in such case it shall be judged treason." Tumults, therefore, the object of which is the peculiar, private, and individual interest of the parties engaged in them, are distinguished by the statute of treasons itself, from attacks upon the regal authority of the realm; and consequently if, as has been contended on the part of the prisoner, it should appear to you that this was merely the temporary ebullition of a spirit of tumult, violence and disorder, or any thing but an attack aimed against the royal authority of the realm, it is not treason. I trust that no person who administers the law will ever attempt to confound tumults such as I have described with high treason, which is an endeavour to overturn the established government of the country: and I therefore accede to the proposition of one of the learned counsel for the defendant, that the only question for your decision is, whether this was or was not a conspiracy to overturn the government of the country.

To the extracts which I have read from Mr. Justice Foster, I shall add a single passage from lord Hale, who says, "If divers persons levy a force of multitude of men to pull down a particular inclosure, this is not a levying of war within this statute but a great riot; but if they levy war to pull down all inclosures,"—here he speaks of a *general* intention—"or to expulse strangers, or to remove counsellors, or against any statute, as, namely, the statute of labourers, or for enhancing salaries and wages, this is a levying war against the king, *because it is generally against the king's laws, and the offenders take upon them the reformation which subjects by gathering power ought not to do*." Was this, therefore, an attempt to make a change in the government by the gathering of power, either with arms or without arms? If it was, according to lord Hale and all the authorities, it is high treason.

The *fourth and last count* (which is framed upon the stat. of his present majesty which I have already mentioned) charges *the compassing and imagining to levy war against the king, in order to compel him to change his measures*. It does not very distinctly appear that any *particular* measure was sought to be effectuated, or that the government was sought to be in any

particular respect changed, by compulsion: but a levying war to disable the king by force, from the exercise of his regal functions generally—from adopting or carrying into effect any act whatsoever of legitimate authority—in short, from acting as king—is, according to the text-writers I have cited, most distinctly a levying war against the king, within the statute of Edward; and *the compassing and imagining to levy war against the king for such purposes* is, by the thirty-sixth of George 3rd, declared to be high treason.

These four counts are, therefore, competently framed under the two statutes which have been so often mentioned.

The charge of levying war being thus set forth in proper legal phraseology, the question is, whether the evidence which has been given is sufficient to sustain that charge. Did the occurrences of the second of December amount to levying war? Or, were they, as has been contended by the counsel for the prisoner, the mere ebullitions of violence, extending to acts of riot, tumult, and disorder, constituting misdemeanors only, and not amounting to offences of a more malignant character? No blame can be imputed to the learned counsel for the exertions they have made for their client in this respect, nor for endeavouring to persuade us that all the irregularity disorder and violence, done or meditated by the prisoner and his associates, are distinguishable from a determined plan to overturn the government. It will be for you, when you shall have heard my recapitulation of the evidence, to decide upon this point.

I will not anticipate the comments which a recapitulation of the evidence may require me to submit to you: but one observation I cannot pass over. It was made matter of complaint against the counsel for the crown, that they did not call as witnesses Harrison and Keenes, who were so intimately acquainted with all the proceedings of these alleged conspirators. "If," say the prisoner's counsel, "they had ventured to call them, it would have appeared that there existed no such purpose as this indictment imputes, the case would have been stripped of all doubt and uncertainty, and would have disclosed a mere riot." The counsel for the crown could not properly have called these persons, nor could they by law have compelled them to answer, for this would have been to compel them to accuse themselves of a participation in the crime charged against the prisoner. But the counsel for the prisoner were under no such difficulty: If Harrison and Keenes were known to them to be able to exculpate the prisoner, without hazard to themselves, why were they not called in the defence? The counsel for the prosecution could not ask of Keenes any question relative to the charge; for although no bill was found against him, that is no acquittal; he might still have been indicted and subjected to all the penalties of conviction: he might therefore have demurred to the ques-

tions which would have been put to him in support of the prosecution, and any counsel who had sat near him at the time, would have advised him to demur and not to expose himself to the peril of an answer.

The counsel for the crown, therefore, could not call these men as witnesses, but the counsel for the prisoner might have done so without impediment: and if they could have established the innocence of the prisoner, what could have prevented their relating, in the most full and unqualified manner, every thing that would have tended to his absolute, unequivocal, and entire exculpation? According to the evidence, Harrison was one of the earliest members of the committee. He afterwards withdrew, and was succeeded by Hooper: he therefore could have deposed to every thing bearing upon the charge against the prisoners, at the outset of this business. Keenes became connected with them at a later period: he therefore could have spoken to all the subsequent acts related by Castle, who has described all these persons as participating in so many conversations and consultations, and in the adoption of so many mischievous purposes. What could have been more easy than to have called Harrison and Keenes to disprove every word alleged to have been uttered, and every meeting alleged to have been held by these parties, and to explain all these acts upon which so much criminality is fixed, by giving them an innocent instead of a guilty aspect? I cannot help saying that their not having been called as witnesses, on the part of the prisoner, who might have called them, not only exonerates the counsel for the crown from all blame for not having called them, but raises a strong presumption that the counsel for the prisoner could not, with a due regard to his safety, have ventured to produce them.

The means of knowledge which these men possessed were most extensive; their *disposition* may be supposed to be highly favourable. Why then were they not called for the prisoner, if the facts which they knew (and they could hardly fail to know every thing upon the subject) would have tended to his acquittal? What answer can be given consistently with the supposition that their testimony would have been beneficial to the prisoner? And what inference but one can be deduced from the fact that they were not called by him? I will not occupy your time with any further observations upon this subject.

The competency of the evidence of accomplices has very frequently been canvassed in courts of criminal justice. Secret transactions of an highly criminal nature can never be effectually disclosed, but through the medium of accomplices. No man reveals how guilty he is, or intends to become, to a person not connected with the execution of his project, or, at least, who is not a well-wisher to its success; you must, in every case, therefore, if you will develop treason, or other mischief of a malignant nature, derive some, and probably

much of your information and evidence, through channels not wholly pure and uncontaminated, nor such through which we should always (if possible) wish to see the justice of the country conveyed. But it has been held by the judges in all times, and is acted upon every day in every criminal tribunal in the realm, that if an accomplice is so far confirmed, as that his story shall be thought generally entitled to belief, he will receive that degree of credit which he may, upon examination, appear to deserve, notwithstanding he is an accomplice. This subject was much discussed in the trial of Charnock, King, and Keyes, in the reign of king William: Lord Holt there said, "It is a very hard matter, if not impossible, to discover crimes of this nature, if the accomplices in those crimes shall not be allowed to be good witnesses against their fellow conspirators:" And, in answer to an objection of the prisoner Charnock, that though an accomplice was a legal witness, he was not a good one, lord Holt added, "He is a very good witness, if he be a legal witness; but the credit of what he says, as in all other cases, must be left to the jury, who are judges of the matter of fact, and of the credibility of the witnesses.*"

In the present case you have the evidence of an accomplice, upon whom, certainly, many animadversions have been made, and who deserves almost all. But even though he be such an abandoned, degraded man, some of the peculiarly coarse phrases and expressions by which he has been designated might perhaps have been spared, even in deference to the decorum of this Court. He has, however, been unquestionably implicated with respect to some forged notes; he has been concerned in a disgraceful transaction respecting a French prisoner, in which, having held out the expectation that he would facilitate his escape from this country, he obtained from him money as a compensation for his assistance, and played false to his engagements; but he is criminated most of all by a confessed participation in the crime in question—a crime of the most enormous atrocity and of the deepest malignity;—as against *him* we must view it in the strongest light, that their design was, to overturn the government of the country, to effect the destruction of the soldiers in their barracks, and to accomplish all the mischiefs which he has imputed to himself and his confederates. But still, if in the detail of his story, he is confirmed by witnesses who cannot be suspected of stating an untruth, his testimony will be entitled to your most serious attention. As, for example, in the instance of Mr. Cosser, to whom application was made for hiring the house, which is stated by Castle to have been required for the deposit of combustibles, when there is no possible reason for supposing that house to have been required for any other than that purpose; when no other purpose is assigned—for no person is suggested to have in fact in-

* 12 How. St. Tr. 1405.

tended to carry on there the trade of oilman and seedsman—and when Thistlewood, one of the alleged conspirators, is proved to have told, what appears to be a notorious falsehood, to Mr. Cosser, to induce him to let the house to the younger Watson, namely, that he was the son of a substantial Lincolnshire farmer, and that he wanted to carry on the trade of an oil and seedsman, or an oil and colourman. Of this no explanation has been attempted. He is also confirmed by the circumstance of the hiring the waggon for Spa-fields, by the discovery of the pikes, by the impossibility of accounting otherwise than he has done for a variety of other circumstances which I will not now detail, and more than all by the papers found upon the person of the prisoner by Miell, who apprehended him at Highgate, at the moment of his flight from London; in which papers, *stations* are assigned, mention is made of collecting forces in *divisions*, and of military preparations with reference to the Old Man, and in which same paper the Bank and the Tower are afterwards specifically named: What explanation can be given of this, but that which has been given by the witness Castle?

It will be my laborious duty to comment upon all these circumstances hereafter. I will not, therefore, at present, say more than that if this witness, disgraced as he certainly is, by his own confession, by a base connexion and community of flagitious purposes with persons engaged in nefarious designs, and by other misdeeds admitted by himself on his examination—yet, even so, if he be so far confirmed as to render his narration of events generally credible, this (added to the other evidence proceeding from the prisoner himself or affecting him from other quarters) is fit to be received as part of the proof in this case, and will deserve your most grave consideration in determining upon the guilt or innocence of the person most materially affected by his testimony.

I shall now proceed to state the evidence, which, I fear, will occupy a considerable portion of time, and will make very large demands upon your patience; but I feel assured, from the great extent of it, which you have already manifested, that your patience will endure as long as the exigencies of public justice, shall require. I shall, however, first call your attention to the *overt acts* charged upon the record, in other words, to the means adopted for the accomplishment of the treasons charged. The same overt acts are laid under all the heads of treason. There is first, consulting to devise plans and means to subvert the constitution, and depose the king; to levy war and subvert the constitution; conspiring to attack the Bank and the Tower; conspiring to seduce soldiers and others; ordering pike heads, &c.; providing arms and ammunition; conspiring to burn the barracks; making proposals to hire a house to keep combustibles; conspiring to procure meetings in Spa-fields; treating for the hire of

waggons and stages; hiring a waggon; providing arms, ammunition, and banners; making harangues, &c.; parading the streets; attacking the gunsmiths shops, &c.; addressing soldiers in the Tower; levying war, which is charged as an overt act of treason, under three of the counts, being itself the substantive treason alleged in the third count.

The evidence to sustain the overt act of conspiring to procure a meeting in Spa-fields, consists of the circulation of placards and handbills, and the adoption of means of excitement to draw people to that meeting.

The first witness is Thomas Storer, who says, “I know the prisoner James Watson; I saw him in November last; on Wednesday the 6th of November, he was at my house in Fetter-lane; he wanted a memorial printed, which was to be presented to the prince-regent, which was wanted for the 7th, that is the day following, to be distributed at a meeting. I said that the time was too short to get it done; he read part of it to me; I remember a part, which was, that the lands were to be divided into parishes, and let out in parochial partnerships; and all the waste land and mines and quarries to be appropriated for the use of government expences, and after that, the rental of the different parishes was to be divided amongst the people; those were the principal heads. I remember Mr. Watson said a meeting was to take place the following day, the Thursday, at the Carlisle in Shoreditch. He promised me that there would be a bill for a public meeting, which he would bring me to print. Nothing more passed on the 6th; I did not print the memorial; I saw Watson again on Sunday the 10th; he called at my house, and he brought me a copy of the bill to be printed; I was to print two thousand small and three hundred large copies; I composed it “(that is put the letters together)” and printed one, and shewed it him in the evening; and he approved of it as printed, and asked if I would let him have some; I promised him some on the Monday morning; he brought me a ten-pound note to take out what I wanted, as a deposit; I retained one pound, and my wife was to give him change. On Sunday evening he told me it would appear in the Morning Chronicle and the Morning Advertiser on Monday morning. He came alone at all these times. He came again on Monday morning; I was out, and, on my return found him and his son and another person; he asked for the printed bill, which I declined giving him. He asked why I had not objected in the first place; I said, I at first thought there was no harm in it, but I had since thought it would be dangerous to have any thing to do with it; I said, he knew very well what it was to call a meeting, but when they were assembled, who was to be accountable for their proceedings? James Watson the younger, asked what I was afraid of. Old Watson said, he supposed I was afraid of having my house pulled about my ears by the vengeance of the mob; that I was perverting the

ends of justice more than supporting it by refusing to print the bill."—You see here Watson the prisoner was very active in urging the printing of this bill to call this meeting.—"Young Watson asked for one of the bills; I said, that as my name was to the bill, any other printer would print it on that authority. He said he wanted one to send to Mr. Hunt; I declined giving one, and did not let him have any; I gave him back the paper, and the difference of the money, out of the one pound note. This is one of the papers. I returned the original manuscript to old Watson."

It appearing that notice had been given to produce the original, this was read. It was to call a meeting of mariners, artisans, manufacturers, and others, in Spa-fields, on the 15th of November.

"I declined printing them, and young Watson took away the papers, and they said they should go to Tottenham-court-road, and would get them printed there by Messrs. Seale and Bates. I afterwards procured this paper" (that is, a paper produced by him,) "on the Tuesday following the 12th, from Seale and Bates. I know Greystoke-place; there are two entrances to it, one from Fetter-lane, and one leading to Cursitor-street, which is shut at night. I went on Wednesday evening, the 13th, by Greystoke-place" (you recollect Greystoke-place was one of the places where according to the evidence, Watson used to meet the others,) "to go to the Carlisle; I returned about one or two o'clock on Thursday morning; I saw some persons coming from No. 9, six or eight persons coming out of it"—I do not see that that leads to any thing; it is not connected with any subsequent evidence; and merely shews that at that late hour of the night these people congregated.—"I kept one of the papers, and burnt the rest; I went, next morning, to the Morning Advertiser office, to see whether there was any advertisement to that effect; I first communicated to an old printer that I had kept one; on Monday I carried it to the Secretary of state's office. I kept one, as that was in my own possession; I was examined before the jury at Hicks's Hall; I was examined also before the grand jury upon this bill; one of Mr. Litchfield's clerks took me to Hicks's Hall, and he subpoenaed me in February last, two months after I had printed this bill, I suppose I might be there about a quarter of an hour; I believe I delivered the bill to one of the grand jury; I have not seen it since."

Then Mr. Arthur Seale is called. He says, "I am a printer in Tottenham-court-road: I lived there in November, and for seventeen years before. In November I was applied to, to print a hand-bill, about the 11th of November on a Tuesday, I believe. The application was made to me by a Mr. Preston, who said he would introduce me to some gentlemen. I had known Preston two years before; I see the man there; one of the persons who came with him is there; one is that gentleman [pointing

to the prisoner Watson,] and Preston another. Watson was then present when Preston said, they wanted a hand-bill printed for a public meeting."—This you see, is one of the overt acts charged.—"I printed the bill, amongst others; I printed it from a manuscript produced to me; I cannot say which of the gentlemen gave me the manuscript; I think it was not Watson."—Now, I would observe, if persons are once proved to be engaged in a conspiracy, the foundation being laid, namely the existence of the conspiracy, whatever is done by either in furtherance of the common object, is the act of all.—"Preston and Watson, and two others, were in the front shop with me; the order was for about 3,000 small and 500 large; it might be more afterwards. A great number of people called for them; they were fetched away; I had no orders to whom to deliver them; I delivered them to persons who called."

—So that these were matter of general publication, and, indeed, universal circulation.—"I delivered the whole quantity ordered, next day; paper was brought by somebody from another printing-office; that is the manuscript from which I printed that bill; I do not know the hand-writing; I printed others for the meeting on the 2nd of December; application was made to me about a week or ten days before the meeting; a Mr. Castle brought it, with an order to print about 4,000 small and 500 large bills; I have a large bill here; I said I would not take the order till I was paid for printing the former bill; the bill is in these terms: At a meeting held at the Carlisle, Shoreditch, on Thursday evening, the 7th of November inst. it was determined to call a meeting of the distressed manufacturers, mariners, artisans and others, of the cities of London and Westminster, the borough of Southwark and parts adjacent, in Spa-fields, on Friday the 15th inst. at twelve o'clock, to take into consideration the propriety of petitioning the prince-regent and the legislature to adopt immediately such means as will relieve the sufferers from the misery which now overwhelms them." The names to this are, "John Dyall, chairman, and Thomas Preston, secretary," whose names appear to some other documents.—"I have also a large bill here:" this is the bill for the second meeting, and a more inflammatory document, addressed to people labouring under any temporary distress, cannot be written. The words are these: "England expects every man to do his duty;" words, you recollect, uttered by our excellent and gallant sailor, lord Nelson, at a moment when he was doing his duty, and was inciting others to do theirs—"England expects every man to do his duty"—calling on every person to exert his physical energies, to assist in doing some act in contemplation. "The meeting in Spa-fields takes place at twelve o'clock," (the time at which Hunt and his party were to assemble was one, but the persons who were to assemble for operations of a different nature were to come at twelve) "on Monday December 2nd, 1816, to receive

the answer of the prince-regent, to the petition determined upon at the last meeting in the same place, and for other important considerations."—That is rather in a small character. Then this is in very large and legible characters: "The present state of Great Britain: Four millions in distress!!!—Four millions embarrassed!!!—One million and half fear distress!!!—Half a million live in splendid luxury!!!—Our brothers in Ireland are in a worse state—The climax of misery is complete, it can go no further—Death would now be a relief to millions—Arrogance, folly and crimes have brought affairs to this dread crisis—Firmness and integrity can only save the country."—Then follows (and you will say whether it is not merely a colour and appearance of moderation, temperance and caution).—"After the last meeting, some disorderly people were guilty of attacking the property of individuals; they were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times in common with others. The day will soon arrive when the distresses will be relieved."—How far it was their object to prevent plunder, you will consider, in connection with the circumstance of their meeting and plundering the shops of the gunsmiths. Then follow these words: "The nation's wrongs must be redressed. Signed John Dyll, chairman, Tho. Preston, secretary." "The larger bills were printed about the 28th of November; I cannot tell what conversation passed; I never was paid for the last bills, but was paid for the first partly by Castle, for which I gave him a receipt, and other people who got them away paid for them; I have never seen the manuscript since the hand-bill was composed; I cannot say which gentleman delivered me the manuscript, but that gentleman [the prisoner Watson] was present." So that he was privy to every thing which was stated in it.—"I read it aloud; that is the manuscript; I believe that he heard me read it."

The witness next called was a person of the name of Crisp. But after some discussion, the Court were of opinion that his evidence could not be received; he not having been properly described in the list of witnesses.

The next evidence is that of George Lewis: I will read it, but it amounts to nothing. "I am an hackney coachman. On the 15th of November last, I was driving my coach; I was taken to Spa-fields; there was one person on the box, and there were two inside. I should know one of those in the inside; I see nobody here who was in the coach; I went near the Merlin's Cave. The man on the box had a wand, and a flag of different colours was tied to it."—Confirming, in that circumstance, the evidence of other persons.—"One Parkes made a speech from the top of my coach. Mr. Hunt came afterwards, and addressed the people from a chariot, and afterwards from the window of the house. Four people got into my coach to go away; the mob took the horses

off; the people ran it against a wall; four people jumped out, and left me without paying my fare. I went to an hotel in Bourverie-street, where I saw Mr. Hunt, and several people with him. I saw, at Greystoke-place, a man who said his name was Hooper, and another man. I see none of those persons here."—This evidence proves only the meeting on that day, and the flag displayed; I do not see that it is very material for your consideration.

John Monkhouse says, "I keep the Merlin's Cave, Spa-fields; I remember the meeting on the 15th of November. Before the coach arrived, a dozen people came to my house; Preston and Dyll, whom I knew both by their names and persons, I remember to have been present."—Then the witness pointed out Preston in court.—"They went into a front room up stairs, fronting to Spa-fields, called for pen and ink, and were writing a considerable time. Hunt addressed the people from a coach in the fields, and afterwards forced his way up stairs against my remonstrances. The windows up stairs were taken out by persons there; I cannot say that that was done by Preston and Hooper; I do not know the person of the prisoner. I did not hear Mr. Hunt's speech, only a part; it was a speech exhorting the people to consider of their grievances. There was confusion in the house, otherwise I was near enough to have heard it; I was not attending to it. I forbid Hunt to speak again from my window; I went to him at the Old Hummums at Covent-garden. There was a flag in the room, close to Hunt's right hand, on the 15th of November; I cannot say what was the inscription on it. A man with Hunt said he would come up, whether I would or not. There was a magistrate there after Hunt began to speak, a Mr. Raynsford. I cannot say whether the magistrates saw the flag, a person coming up to my house might have seen it. One Wood, a constable, was in the house, and one Martin; I saw no other magistrate there. Mr. Hunt spoke from the window, and two or three orators besides Mr. Hunt. I should think there might be 20,000 people there; this was the 15th, the first meeting. I heard it stated generally, that there was to be an adjourned meeting to the 2nd of December, not by Mr. Hunt."

Michael John Fitzpatrick, one of the clerks at the public-office in Hatton-garden, says, "I was at Spa-fields, in the room at Merlin's Cave, on the 15th of November. I know both the Watsons; they were both there, and Preston was there, and Dyll was there. Dyll had papers in his hands; he did not read the resolution proposed. Hunt came in afterwards; he moved to adjourn to the first day after the meeting of parliament. Afterwards young Watson moved, by way of amendment, to adjourn to Monday fortnight. Preston said, that this was a most glorious day; that they had a hundred thousand countrymen. Monday fortnight was the 2nd of December. I stood

between Watson and his son; Clarke, the chairman, proposed the day of meeting; the question was put by the chairman, and carried. The elder Watson had a roll of papers in his hand; Watson senior did not attempt to interrupt his son in any manner."

Vincent George Dowling was then called; you recollect he was the short-hand writer; he says, "I was at the Spa-fields meeting on the 15th of November; I was in the crowd; there was a very great number of people there. I heard Mr. Hunt speak from the window of Merlin's Cave; I saw a flag from the window, a tri-coloured flag, red, green, and white, with an inscription upon it; some reference was made to justice, humanity, and truth."—You recollect the comment upon the words.—"Hunt proposed an adjournment to the first day after the meeting of Parliament, young Watson proposed an adjournment to the 2nd of December; from first to last they staid from one o'clock till nearly five. I attended again on the 2nd of December; I saw several placards advertising the second meeting; I saw a placard, of which this is a copy" (that is the one produced by Seale, I have already read it to you) "England expects every man to do his duty." "I saw placards like that stuck on the walls; a considerable number of people were there. I went about eleven in the forenoon; from the window of the room I saw a crowd assembling at the end next Cold-bath-fields prison; that is the end where the speeches were made, where the waggon was, and from whence the departure was from that waggon, by persons who accompanied the Watsons. I went to the spot where the crowd assembled; I saw several persons bearing flags; I recognized one as the same flag I had seen on the 15th from the window of the Merlin's Cave, and another flag, a smaller one, both tri-coloured; another man bearing a banner, on which were inscribed these words, 'The brave soldiers are our friends, treat them kindly.'—Whether they were likely to be very kindly treated by those who, according to the evidence of one of the witnesses, meditated to destroy them all in their barracks, is a matter very worthy of consideration. He is afterwards asked, whether the word on the banner was brothers or friends; he says he cannot state positively whether it was the one or the other.—"Some persons wore tri-coloured cockades; a waggon, which I then first perceived, appeared to be the centre of attraction; into this a great many persons ascended; there was great confusion. I then observed the prisoner mount on the edge of the waggon, and wave his hand as if for silence. I saw Hooper and the younger Watson in the waggon with his father; I afterwards saw Preston. I was near enough to hear the addresses; I took down in short-hand what Watson said. I have my short-hand notes here, I took it in Spa-fields; these are the short-hand notes which I took down, and I made the transcripts yesterday."

I will read to you, gentlemen, the speeches

of the prisoner Watson, and his son; as taken down by Dowling at Spa-fields. Mr. Watson said, "Friends and fellow countrymen, we are convened this day in consequence of a resolution passed at our last meeting, to hear the answer to the petition, which we agreed to present to the prince-regent. I cannot refrain from expressing the pleasure which I feel at this moment, in addressing so respectable a meeting. The petition to which I allude, and which Mr. Hunt was deputed to present to the prince-regent, was prepared in the hope that his royal highness would give an answer to the cries of those starving thousands by whom he was addressed. I am sorry to inform you, however, that he has resolved to give us no answer (groans and hisses). It is useless, therefore, to take that course.—This day we are called on to pursue another, (cheers.) "England expects that every man will do his duty."—We are called on, because "four millions of our countrymen are in distress; because as many more are embarrassed; and because a million and a half fear distress." While these miseries exist, how few enjoy splendid luxury!—only half a million, as this placard expresses, are not either in fear of embarrassment, or in debt.—Under these circumstances, I ask you, friends and countrymen, if the ministers have done their duty, in advising the prince-regent not to hear our cries? (answer from the multitude, 'No! No!') Has the prince regent himself done his duty? (No! No!) Was there ever a more calamitous time in this country, than this moment? (No! No!) It is not only in this country that we are thus oppressed. Our sister country, Ireland, has shared in our misfortunes.—There the climax of misery has been brought to a close.—There their sufferings cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? (answer from the multitude, 'No! No!') The present then is the time to do something! (huzzas).—What! will men, with the minds and hearts of Englishmen—will they continue thus, for months and years, to be starved? (answers of 'No! No!') How, then, are we to be restored to our rights? Not by talking—not by long speeches—not by petition, for our petitions are not heard—(reiterated cries of 'bravo!') It appears that we are placed in a state of bondage—the rights of civil society are not attended to—the calls of multitudes from time to time, avail nothing.—That parliament, which was intended for the protection of the people, was invited to assemble together to take into consideration the distresses of these calamitous times—to consider in their wisdom, if they possessed wisdom, the situation in which we are placed, in vain. In this distressing situation, they should have assembled together, and taken into consideration the prayers of the dying multitude, and not have been deaf to our cries. ('They ought! they ought!') It must rest with ourselves now

to consider, how we shall relieve ourselves in these calamitous times. We have been told truly, that trade and commerce are annihilated—but we still have the earth as our resource. The earth was by nature intended for the support of mankind; and is sufficient to place every man in distress in a comfortable situation. If a man has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you. I have said that the bonds of civil society have been neglected—what then is our situation? They have placed us in a state of nature; they have neglected the cries of the hungry and starving people. Not a day that we pass through the streets of this great metropolis, but we see people starving to death; are they ignorant of this? if they are, they ought not to be—but they are not; they have come to a resolution not to relieve us; they know full well that the people are starving in every part of the kingdom, while they will admit of no measure to relieve them. (Groans, and cries of ‘Shame! down with them!’) Will they now hear our cries? (Answer from the crowd of ‘No! No!’) Have they not been supplicated in the language of men, in the language of forbearance and patient suffering? (‘Yes! Yes!’) The Israelites were in a state of bondage for four hundred years, but we have been double that time. Ever since the Norman conquest, kings and lords have been de-luding you, they have in many instances converted you to their own wicked purposes; but this must last no longer! (huzzas! bravo).’’

Then Mr. Watson the younger, follows his father.—“Friends and countrymen.—The last time we met in this place, I had the honour of saying a few words to you. I was the person who proposed the resolution, that we should meet again this day. I said then, if we were to hold our meeting on the first day of the meeting of parliament, it was not in our power to tell when we should meet; and it might be that we should never meet at all. At that time it was agreed to present a petition to the prince-regent; you have been told that your petition was presented, but answer there was none. His royal highness replied, ‘My family have never attended to the prayers of the people, or received petitions, unless they came from the universities of Oxford or Cambridge, or from the corporation of London;’ in a word, ‘I will not attend to the prayers of the people!’ (groans and hisses.) This man calls himself the father of his people (Cries from the crowd, ‘d—n him’). Is it not the duty of a father to protect his children? (‘Yes!’) Has he done so? (‘No!’) No, he leaves you every ground for complaint, while he tramples on your rights (groans and hisses). There is no luxury which he spares, because he knows the expense will be paid out of your pockets (groans). Are we to submit to this any longer? (‘No!’) Will Englishmen suffer themselves to be trampled upon, like the poor

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African slave in the West Indies, or like clods or stones? (Cries from the multitude of, ‘No, we must have relief.’) We can expect none from their hands—yes, I beg your pardon; since our last meeting, from the resolutions which we passed, calling upon the people to come forward, some persons have received some ox-cheek soup and beef-bone broth (laughter). Some persons have come forward with their two or three hundred pounds, who should have come forward with their one or two hundred thousand. Do you believe that these persons are sincere in their wishes for the people? (‘No! No!’) These men come forward to rob you of all you possess, and then give a penny to pay the turnpike. The prince-regent in his great generosity, has given you five thousand pounds out of the funds, which do not touch his own pocket (cheers and hisses). Yes, it appears that he plunders you of millions, and then gives you a part of the spoil (cheers and groans). My friend here has been described by the Treasury journals, as a second Wat Tyler. No bad title; for, be it recollected, that Wat Tyler stepped boldly forward, for the purpose of opposing an oppressive tax; and would have succeeded, had he not been basely murdered by William Walworth, then lord mayor of London. But we have no bull-rush lord mayors now. And if he was surrounded by thousands of his fellow countrymen, as I now am, there would have been no doubt of success! (cheers and huzzas!) It seems to be the determined resolution of ministers, to carry every thing with what they call a high hand; or, as they say, ‘our sovereign lord the king will carry every thing with firmness.’ In short, they will carry the business in defiance of the voice of the people (hisses). If they will not give us what we want, then, shall we not take it? (‘Yes!’) Are you willing to take it? (‘Yes!’) If I jump down among you, will you follow me? (Universal cries of ‘Yes!’ and loud shouts).’’

It appears then that he jumped down, and was followed by many of the persons there present.—“At that moment young Watson seized a tri-coloured flag and went out of the field, heading the mob towards Coppice-row; all the persons in the waggon jumped out and followed him; the persons in the waggon had cockades; Hooper and the younger Watson had. Preston was elevated on some part of the waggon all the time. The younger Watson jumped down I think, with the larger flag. Coppice-row was about two hundred yards from the waggon; at the corner of Coppice-row, I saw Mr. Stafford attempting to seize the flag, this was pulled down, as was the banner; a man in a sailor’s jacket had the banner; the large flag changed hands at the corner; I saw the elder Watson stand near the public house; I went and acquainted the magistrates with what I had heard; some said the cry by some of the mob was, ‘to the Tower,’ by others, ‘to the lord-mayor.’ I saw one man with a sword, or cut-lass, and another with a pistol, as I thought.

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I returned to the house near Merlin's Cave, and subsequently to the city; I saw the elder Watson at the corner of Coppice-row, I afterwards saw him with a set of people following him in the same direction. I came up with part of the mob in the Minories; I passed Beckwith's shop and saw it demolished; the windows were fractured and the shop was dilapidated; the shutters were put to. I saw the houses of Brander and Potts and Rea, the gunsmiths, demolished in like manner. I saw pikes and long guns and muskets pulled down and lying in the streets in front of the shop; the windows of Rea's shop were quite demolished. The mob was not there, I met them coming up the Minories; they were armed with guns, pikes, and cutlasses, dirks and various weapons, and a brass carronade, a piece of ordnance on wheels drawn by two sailors, guided by a marling-spike; behind some discharged their pieces in the air. I continued with them till the mob were dispersed by the horse-guards; they called 'To Spa-fields; to go back there; I saw them running in different directions, on account of the arrival of the horse-guards; I went back to Spa-fields; there was a numerous meeting at Spa-fields still remaining, when I got there."

On cross-examination, he says, "I have not applied for any employment under government, nor for any reward; I have expected to be paid as a short-hand writer. I have said I expected to be rewarded for my labours as a short-hand writer, and my attendances; I expect to be remunerated for the trouble I had; I attended on the 15th of November at Spa-fields; I was not sent by any body; I am connected with a public newspaper, I went in the capacity of a public newspaper writer: I was not directed by any body to attend at Spa-fields on the second of December. When there, I was desired by Mr. Green, Mr. Gurney's clerk, to assist him in taking notes there; I made a communication of what had passed; I did not exactly transcribe the words of the banner; I cannot say whether it was, the brave soldiers are our friends, or are our brothers. The speeches of the Watsons finished by about half-past twelve; Watson junior was the last speaker; I was in front of the waggon; I was seen by many people; I saw Mr. Stafford near the waggon, I did not speak to him; he was near the end of Coppice-row; I saw a magistrate near the place, Mr. Baker; I saw no red coats on horseback from Spa-fields; I saw one man with a short sword and a pistol, as I believe from the appearance of it; the flag was white, green and red, a tri-coloured flag; I do not think it was the French tri-coloured flag. I believe I was examined on Hooper's trial; I thought not at first."—This closed the evidence on the first day.

On the second day, Charles Sheerman the younger was examined.—"On the 2nd of December last I was in Church-street, Bethnal-green, about twelve o'clock at noon, I saw a good many persons there; there were several

cockades and one flag; both the flag and the cockade were tri-coloured, proceeding towards Shoreditch. I followed them, I do not know who carried the flag, they proceeded to Spa-fields; the flag was taken there, and planted on the waggon, there was another flag on the waggon, some persons were speaking at that time from the waggon. I did not notice the person speaking from the waggon, but he was one of the mob I had seen in Church-street; he was a young man; he was not the person who carried the flag, but he was near it at times. The conclusion of his speech was, if he jumped down would they follow him?"—This, therefore, confirms Dowling as to the conclusion of the speech, "they said they would, and he jumped down from the waggon; the flag, and a great many other persons, went out of the field. I went then to the other part of the field; I did not follow the crowd. There was a frame with white canvass, or something of that kind, with some words painted upon it; there were two other flags. It might be five or ten minutes that I was standing before I heard the person say he would jump down. There was a good deal of talking and hallooing; I heard only the words I have mentioned, though I endeavoured to hear; they were hallooing at times, and pushing and jostling. There was nothing going on in the other part of the field; they were expecting Mr. Hunt. I immediately left them. I did not take any particular notice of the canvass in the frame, it was like a picture frame. There were several persons in the waggon; when the speaking was going on, a great crowd was round the waggon. The frame was supported on a highish pole. Not more than one person spoke whilst I was there, to the best of my knowledge. There was no person remaining in the waggon at the time that I observed a great number of persons follow him."

Charles Sheerman the elder, says, "I live near Bethnal-green. I remember the meeting at Spa-fields in December; I was in Bethnal-green-road that morning between nine and ten; there were a good many people there. I saw a flag there, red, white, and I believe green, flying at the end of a pole; one or two persons had cockades; I did not notice the colours; they were proceeding towards Shoreditch; I followed them, they went to Spa-fields. I know Merlin's Cave; Mr. Hunt spoke from thence; there was a waggon there, and a great number of people when I got there; the flag was put up into the waggon which I saw; there were people in the waggon, and I heard a person speak from the waggon; but I heard but few words; the speaker from the waggon appeared to be a young man; I think he had a cockade to the best of my recollection; I remember some words that were spoken rather loud. He asked the people, whether they would like to be fed on ox-bone beef soup; if they would put up with it? they said, no. That was the answer of the persons round; I have forgotten the other words. He asked the

people, If he jumped down, and went first, would they follow him?" He, therefore, confirms Dowling, not in the very words, for the words were, 'if he jumped down, and went first, would they follow him.' That is one of those immaterial differences which rather confirm the credit of the story than impeach it;—'if he jumped down would they follow him,' the answer from a great many was, that they would; he got down, and a great many people followed him; they went towards Cold-bath-fields, I did not follow him; I was in the fields when the speaker first got up on the waggon. I went to hear Mr. Hunt; I fell on this party by accident; I understood the flag was going to Spa-fields. I cannot say how near to the waggon I was, nor can I say the distance I was off; there were people in the waggon when the flag was put in. He began his speech in two or three minutes after I arrived; I heard nobody else speak; from deafness I heard no more than I have stated. I was examined by Mr. Gifford before Christmas-day, more than a week after the meeting in Spa-fields. I was never examined at Hicks's-hall; I was sent for to Stone-buildings since Christmas. I was at two meetings at Spa-fields; I heard Mr. Hunt speak the first time; there was a tri-coloured flag at the window; at that time I heard Mr. Hunt propose attending there again, I think that day six weeks, as I understood; my memory is rather feeble; it was put to the vote, and agreed to meet Mr. Hunt at the time he named, to the best of my recollection. The first time I went I did not know where Spa-fields was, and I went out of my way; at the second meeting I followed the flag, because I did not know my direct way. I returned the first day to my own place; the flag was taken from the waggon, when the young men jumped down, a great many went with him. I knew there was to be a meeting that day before I saw the flag."

Gentlemen, upon the subject of the flag, it is certainly very, important (if you give credit to this narration, confirmed by two other persons) that, upon the close of the speech, young Watson jumped down, and led the way, and told them he would go if they would follow him. It is an act, embodied as they were in multitude, of attack on the authority of the government, tending directly to overturn the government of the country, marching in military array towards that spot where the violence which has been the subject of the evidence was committed, namely, to the gunsmiths' shops.

John Stafford, chief clerk at Bow-street, says, "On the 2nd of December last, there was a large assembly of people in Spa-fields. I knew there was to be a meeting there on that day, from having seen placards on the walls. I was not at the former meeting, on the 15th November. The mob was addressed from Merlin's Cave by Hunt and others. I saw a flag close to the house; it was displayed; it was of three colours, green, white, and red—a

large flag, on a pole, and inscribed on it, 'Nature, Truth, and Justice.' I did not read what else: there were those words in larger letters. I attended on the 2nd December. A great many police officers were in attendance. I expected the business of the meeting to commence at Merlin's Cave about one o'clock. I arrived, I think, about half-past twelve. I found a great mob there, thousands. At the lower end of the fields, next to the chapel, there were a great many assembled round a waggon, a large four-wheeled waggon, and a great number of people in it. There were two flags in it; one with 'Nature, Truth, and Justice,' on it, which I had seen at the former meeting at Merlin's Cave. 'Nature to feed the hungry, Truth to protect the oppressed, Justice to punish crime.' There was another flag of the same colours, without any inscription, displayed from the waggon—a banner on a square frame, a piece of calico in the middle, with an inscription, 'The brave soldiers are our brothers; treat them kindly.'—Now the address to the soldiers upon this flag evidently shews an expectation that the person carrying it might come into contact with the soldiers, and that they thought well of them; that they were brothers; and that they wished them to treat them kindly. It was calculated to soothe the unkind feeling on their part towards them, and to create an inclination in the soldiers not to oppose any resistance to them; it was fixed on a frame, quite legible; there were two flags besides the banner. "I drew this a few days after seeing it; this is a plan of the waggon, with the flags and banner; the waggon was full of people. I did not then know the persons in the waggon, the prisoner Watson was one. When I arrived, a young man was addressing the people, and the prisoner was close to him, but rather behind him. Some thousands, I think, were surrounding the waggon; I made no minute of the speech; he spoke loud, and the mob cheered his speech; it consisted principally of interrogatories."—You recollect what has been already stated of it.—"The mob returned cheers, and answers, No, no; and some persons, Yes, yes; and a cheer, or a hurra. I then quitted the spot, and proceeded to Coppice-row, leaving the man speaking; I heard a greater noise than usual from that spot; I turned my head, and saw them all in the act of jumping down from the waggon, and the flag and frame move from the waggon."—You will find by-and-by, that this measure of jumping down from the waggon, when the words, "Follow me," should be uttered, had been previously settled, and arranged (according to the evidence) for the 15th November; it did not then take place, and then it was again settled for the 2nd December, when it did take place.—"All the rest were in the act of jumping down from the waggon; the mob then moved towards Coppice-row; the whole torrent was directed to Coppice-row, the flags and banner accompanying them. A small part of the mob

preceded the flags and banner; when the flags approached me, I rushed from the foot-path, and laid hold of the three-coloured flag, without inscription; I endeavoured to break the pole; it was too much for my strength; putting my feet on the flag I called for assistance, and Limbrick came to me; I was driven from the flag; it was torn in the struggle, and a strip of the green remained in my hand. Limbrick had hold of the banner at one end; I broke the frame in, and got a part of the frame, and defended myself with it.—This Mr. Stafford produced.—“That is the height of the square; Limbrick pulled the inscription out of it; the inscription remained in my possession; the mob passed and went towards Smithfield, in a direct line to Skinner-street.”—He identifies the flag, and you recollect the production of a part of the flag.—“I took that green piece out of the flag; there were two flags and one banner in the waggon; the banner and flags had the inscriptions I have mentioned. I was at Merlin’s Cave on the 15th November; I was too far off Mr. Hunt then to hear. I think I saw them taking out the frame of the window at Merlin’s Cave. I did not go into the house. I saw some magistrates in the field. On the 2nd December, I saw a great many of the police officers there; I believe they were all there; a general order was given for their attendance; our establishment at Bow-street, is about one hundred; perhaps seventy or eighty of them were there; they were ordered, I believe, to attend by ten or eleven. I went about half-past twelve; I was induced by seeing the flag. There are seven police offices, besides Bow-street office. I saw many of the officers there, some from each police office: and all, I suppose, were ordered. Ours (the Bow-street officers) were ordered to attend. I saw no soldiers in the field, or near Spa-fields, on the 2nd December. I gave no directions to the military to attend. I was once within fifteen or twenty yards of the waggon; I saw Mr. Baker, a magistrate, near the waggon, I am not certain whether sir Nathaniel Conant and Mr. Hicks were also there. I asked Mr. Baker, whether it was to be suffered. I do not know that the magistrates had a room for meeting near Merlin’s Cave. I never was near Merlin’s Cave that day. I saw several constables in the neighbourhood of Spa-fields. I saw several persons with constables’ staves whom I did not know; there were none sent from Bow-street. After I took the flag, I followed the mob, and I saw them going in a direction towards the city, and left them. I had read placards on the walls not more than two or three days before the 2nd December; the magistrates gave directions on Saturday the 30th November, for attendance at Spa-fields. I do not know of the means by which the magistrates were apprised, that there was to be a meeting at Spa-fields. Sir Nathaniel Conant is at the head of the police, and has a room appropriated to him at the Secretary of state’s office; the orders for

police are generally issued from the Secretary of state’s office, and sir Nathaniel Conant is the general organ of communication; I was not with him. One man, I think Hooper, aimed a blow at me, and I struggled with the flag-staff; the banner and flag were taken in my presence.”—Then he is asked, as a matter of observation, “Why was not the flag seized at the former meeting?” He says, “I did not consider that I had any authority to seize the flag at the first meeting; there was not such an indication of tumult and insurrection at the first meeting, as was exhibited afterwards.”—This accounts for their not taking those measures at the first meeting, which it was ultimately necessary to take.—“This was near to the Cobham’s-head.”

The next witness called, is an officer of the name of John Limbrick; he says,—“I am an officer of police of Hatton-garden; I was attending at Spa-fields on the 2nd of December; I was stationed at the end of Coppice-row; I observed a waggon in the field before I arrived, I went into the field, and approached the waggon; there were many persons in and upon it; great quantities; there were two or three thousand about it; there was a great number also near Merlin’s Cave. I heard speaking from the waggon, but not the very words, I was not near enough. I observed the prisoner in the waggon; he was speaking, I think, whilst I was there; he was moving his hands as if speaking. I saw a banner held up by a man in a sailor’s dress, turning it round in all directions with slow motion; it was fixed at the end of a pole; there was another tri-coloured flag, held also by a man in sailor’s clothes; there was an inscription on the banner, but I did not read it; there was another smaller tri-coloured flag; only one flag had an inscription on it. I saw one Hooper there, I afterwards saw him at the Old Bailey; I saw him in the waggon with a tri-coloured cockade. I returned to the Cobham’s-head, Coppice-row; I heard a noise, and saw the mob coming that way, and Mr. Stafford having hold of one of the poles of the flags; I went to his assistance, I pulled down the flag, a small tri-coloured flag, and Mr. Stafford pulled down the banner: we had a struggle about it; we got the banner; and broke the frame. I heard a cry from the mob of, ‘cut him,’ or, ‘cut his bloody head:’ this is the calico I tore out of the frame, ‘The Soldiers are our friends.’ I saw Hooper in Coppice-row; he was in front of the procession, and very busy when we had the struggle about the banner. The mob went in three directions; some towards the fields, one body towards Gray’s-inn-lane, the principal body towards Smithfield; the large flag, with the inscription, went towards Smithfield I think, but I am not sure. I know Preston, I saw Preston in the waggon; I saw a great many in the waggon, not speaking whilst I was there; I was stationed fifty yards from the waggon; I went about ten o’clock, and the speeches began about eleven; Mr. Raynsford desired me to

take that station. An hour after I first saw it, a banner and two flags were hoisted on the waggon; it was then I heard a person speaking; I remained a quarter of an hour; in three quarters of an hour afterwards, I saw them coming to Coppice-row. I saw no magistrate about; I thought I saw a flag flying. I cannot say whether any body but me assisted Mr. Stafford; I tore the banner, and broke the stick, and tore the flag; I saw Mr. Stafford was in danger, I saw no other person assisting him but myself. I was soon after examined, as to the transactions of this day, before Mr. Litchfield, and at the Old Bailey, when Hooper was tried, and before the grand jury at Westminster; I was examined only before two grand juries. I produced the banner at the Old Bailey on Hooper's trial; the flag was not produced in my presence. I was not on the morning of the 2nd of December, at Whitehall. Spa-fields is in the county of Middlesex;" that is only so far material as that the law requires that the act must be done in the county from which you are impanelled, "I might be nearly eighteen yards from Watson the elder; when I saw him speaking, the noise was so great I could not hear him."

Then Edward Goodspeed says, "I was in Spa-fields on the 2nd of December; I was there about eleven o'clock; there were a great many people; there was a waggon, and flags, on it. I saw Preston, and Hooper, and Watson the elder there. I was afterwards at Coppice-row, and saw Hooper coming out of Spa-fields with a tri-coloured cockade; all came out of the waggon and field together. The colours were then seized by Mr. Stafford; Hooper was very near to the colours; I did not see him do any thing. Limbrick was knocked or shoved down, I cannot say by whom."—Cross-examined, he says, "I went as constable for St. Andrew's Holborn; we had an order from the sheriff by the high-constable. There were four constables from our division, consisting of seven; the other three might be there; I did not see them. We all had orders to attend at ten o'clock, issued on the Saturday; We were ordered to assemble at the House of Correction, and our names were called over; I cannot say by whom, by a stranger to me; I only heard my own name, and answered it. I cannot say how many constables there were besides myself; we were appointed to no place in particular; the banner was taken away by Stafford. Limbrick was knocked down; I saw him on the ground; he was knocked or shoved down by pressure of the mob; he went to assist Mr. Stafford. I was ordered by the high constable to wait at the prison-door; I waited till three or four o'clock. I saw nobody brought in; the people waited in Spa-fields in great quantities till six or seven in the evening about Merlin's Cave."

The next witness is a person of the name of John Huggins; he is a tide-waiter in his majesty's customs." I was in Spa-fields on the 2nd of December, about twelve o'clock; I saw a

waggon in the fields; Preston was in it; there was a great number of other persons in the waggon; I saw a flag in it. I was about twenty yards from the waggon; I saw several persons get out from the waggon towards Coppice-row, followed by great quantities of people. I saw Mr. Stafford in the mob calling for assistance; he got hold of a flag, and was struggling for it. I saw Hooper with a tri-coloured cockade in his hat, attended by the crowd; he was struggling with a man that Limbrick held at the time Limbrick came to Stafford's assistance. Limbrick got a man whom Hooper and others rescued from him. The banner was white calico; Stafford was struggling for it; there was an inscription upon it, 'The Soldiers are our brothers; treat them kindly.' Limbrick was knocked down nearly at the time, or shoved down by the mob; he succeeded at last in getting the banner. I saw Hooper go, with many others, down Coppice-row; there were near a hundred of them. I remained at the Cobham's-head, Coppice-row; four or five hundred remained behind in Spa-fields; I remained about an hour there."—Then, upon cross-examination he says, "I am a tide-waiter; I am paid when on duty; I was a special constable. I have been on duty as tide-waiter more than ten times within five years. I was stationed at the Cobham's-head in Coppice-row; about a hundred people were there; four or five hundred were left in the fields. The magistrates were at a room by Merlin's Cave, three doors from the Merlin's Cave, a private house. Mr. Sellon and sir Nathaniel Conant were there, and I saw Mr. Raynsford there about twelve or one o'clock. I saw Mr. Stafford there, but not in their presence; whether Mr. Stafford saw them is matter of conjecture only."

Then Moss Moses says: "I was at Coppice-row on the 2nd of December; I was not near Mr. Stafford when he took the flag; I got possession of the flag from a man in a sailor's dress, by desire of Limbrick; I believe that man was struggling with Limbrick; this is the flag I seized. The flag has been since at a prison near Spa-fields; I am sure it is the same; it has been out of my possession two months. I should not like to swear that it is the same identical flag. I was not examined about it before; it was cleaner when I first took it. I found it in the hemp-warehouse in the prison."

Stafford is then called again, and says "The flag was torn in the struggle; the piece torn off is in my possession, and exactly corresponds;" and he shows by its fitting that it is the same.

Thomas Graves says, "I live at Cow-cross, in the way from Coppice-row to Smithfield. On the 2nd of December last I saw a great mob passing my door towards Smithfield; they had a flag with them of different colours; there was some noise; six or seven hundred people passed my door. I know Preston, and saw him there; I had known him some time;

he spoke to me, told me to take my things for there would be bloody work. Preston went on with the mob; he is lame; the mob was ten minutes in passing my door; the first part was going very quick towards Smithfield." On cross-examination, he says, "I had too many goods out of doors to attend to the words spoken; I am a broker; I had known Preston long before; he told me to take in my things, and said there would be dreadful, or bloody, work."

Edward Hone says, "I was in the service of William Andrews Beckwith, on the 2nd of December, a gun-maker, No. 58, Skinner-street, Snow-hill. I was there on the 2nd December. About twenty minutes after twelve Mr. Platt came into our shop on business; Platt had finished his business, and was going, a person rushed into the shop with a pistol in his hand; no persons collected about the shop; a short man five feet four or five feet five, thin visaged and prominent chin; he seemed twenty-two or twenty-three years old; he demanded arms, and said, 'Arms, arms!' Mr. Platt turned round, and put a hand on each of the man's shoulders; he said, according to my recollection, 'My good fellow, consider what you are about;' immediately afterwards, before the sentence was finished, the pistol was fired."—Now, if a person had been engaged in a legal business, instead of being in the act of demanding arms, this interposition would not have called forth his anger.—"Immediately afterwards before the sentence was finished, the pistol was fired; the lappel of Mr. Platt's coat was torn; Mr. Platt clapped his hand to his belly, and said, 'I am wounded, fetch me a surgeon, for God's sake, fetch me a surgeon.' Platt said, 'Don't let him go.' I said, 'No, Sir, he shall not go.' He repeated, 'Fetch me a surgeon, I am wounded.' The person who wounded him chucked the pistol down on the apprentice's bench, and said, 'I am a surgeon, I will examine him.' Platt says, 'No, no, fetch me a surgeon.' Several neighbours came in, and a man of the name of Worrall, a constable, came in, and took the man in charge; above a hundred people collected about the shop-door. I delivered the man to Worrall, and I went out to clear the people away; I got them pretty well away, and got into the shop again, and saw a mob go by of nearly three or four hundred, with tri-coloured flags: the mob cried out, 'This is the shop,' and returned back in five minutes. I spoke to them, 'My good fellows, what do you want; don't hurt Mr. Beckwith, he wishes well to the cause.' A person in the dress of a brewer's servant, stood in an attitude to break the windows; I said, 'The young man is gone, he has made his escape.' The mob cried, 'We will have him out;' and one of the mob cried, 'To Tower-hill.' I said, 'To Tower-hill, my boys, to get them away if I could. They did not seem satisfied, and said they would have him; I said he had gone down Sea-coal-lane. The young man appeared at three pair stairs; the

mob then began to be very infuriated; they said 'there he is, we will have him out.' They broke the windows, and took guns, and with the butt ends broke the window frames; they took out a great quantity of guns and pistols; the shop was literally cleared. I saw them bring guns out from the shop and shop-window and counting-house; many of them were for exportation. They distributed them fronting the door, and said, 'Here are arms, my boys.' Powder and shot were also taken from the shop, with which they loaded them at the door. I was so confused, that if I had not taken a drop of spirits I should have dropped. I afterwards saw the young man come out of the shop with a pistol in each hand; the mob cleared away greatly; he joined the people, and they went towards Newgate-street."

On his cross-examination, he says, "I attended at the Old Bailey, but was not examined. I was talking with Mr. Platt; he put his hand on each shoulder of the young man suddenly, and then the pistol went off. It might be a second between his laying hold, and the firing of the pistol. There seemed great regret in the young man; he bit his lips, and looked very sorrowful; there were three or four folks following him. They decamped, and I shut the door myself. Nobody, though the guns were exposed, attempted to touch one of them. I did not first say, 'To the Tower.' They did not seem satisfied; I heard the cry of 'We will have him out.' The attack on the shop was when the young man was observed above stairs; I never saw the young man before, or since. I gave the pistol to the apprentice Roberts, and bid him take care of it. He took it up before the house was broken open."

The next witness called is Mr. Richard Platt. He says, "On the second of December last, I was at Mr. Beckwith's shop in Skinner-street; I was speaking to the foreman; a young man rushed into the shop, stamped his foot, and cried, 'Arms! arms! we want arms.' He fixed his eyes upon Beckwith's man, then upon me; he raised his pistol, and cocked it, and was in the act of bringing it to my breast; I struck it with my left hand, to catch the muzzle of the pistol. He drew it from me; brought it round, and shot me in the belly. The ball entered four inches from my navel. I immediately said, 'You have shot me.' I closed with him, and endeavoured to catch the pistol a second time; I pressed on him, and then he struck me with the butt-end of the pistol. I said, 'You have shot me; what did you shoot me for? I am one of you; send for a surgeon.' He said, 'I am a surgeon myself.' He exclaimed, threw his hands up, and said, 'I am a misled young man; I have been to Spa-fields.' He attempted to pass me; I stopped him, and said, 'I must have you secured.' After this, I intreated somebody to come in; and said, 'That man must be secured.' Before I went up, a constable came, and searched him, and in his pockets a pair

of lancets were found. We were a considerable time in the counting-house together; a surgeon came, and we went up stairs. I sent for an hand-cuff. I heard a great rattle below, and a crash. I and another person with me finally escaped over a back way for safety."

On his cross-examination, he says, "I only caught the pistol with my hand, as he entered the shop. I did not put my hands upon his shoulders, nor till he had thrown his pistol up; I did not put my hands upon his shoulder, but in the act of striking at the pistol my hands went over his shoulder. He was a very thin man. There was no intention on my part to wrestle with him, but to try and catch the pistol. I did not think his expressions of concern were sincere; for he was instantly calm, and tried to slide away from me. There might be fifteen minutes between the time I was wounded, and my hearing the crash."

John Roberts, the apprentice to Mr. Beckwith is then called. He says, "I was in the shop with Mr. Platt on the second of December; I heard the report of the pistol; the young man put the pistol on my bench. When he had filled it, I took it up; it was given to Mr. Worrall. He took the young man up stairs, the shop was nearly cleared; there was a great quantity of ammunition in it; I saw the young man take a pair of pistols out of a mahogany case, and load them with powder and ball, when I stood beside him. There were balls in the mahogany case. I said, 'My boys, we have got plenty of ammunition and arms, and we'll be off,' I pretending to be one of the party. He went out towards Newgate-street, looked round, the mob went in the same direction, and I never saw him after. The mob were nearly gone then, having plundered the shop. In sweeping the shop a day or two afterwards, I found a pair of lancets, and delivered them to Mr. Beckwith; the name of Watson was scratched on one, when I found it. I saw the name of Watson afterwards on it, when it was examined before the lord mayor. I took up the pistol directly it was thrown down; I kept the pistol in my hands, and afterwards gave it to somebody for the officer. I said to the grand jury what I have mentioned. Mr. Beveridge was the surgeon who came."

The name of Watson upon the lancets is not conclusive, unless it should appear that the younger Watson had them before. I think that circumstance, therefore, a y be thrown out of your consideration; it is not very material.

William Andrews Beckwith says, "I received two lancets the second or third morning after the mob had been at my house. I examined them immediately, and discovered the name of Watson on them, by the help of a glass. I lost between fourteen and fifteen hundred pounds value of guns and different arms that day; thirty or forty guns, and double the number of pistols, that is considerably within the number of those which were taken away?

and one or two swords; powder and shot, powder flasks and ammunition, and shooting instruments."

George Haslewood Worrall is then called. He says, "On the second of December I was a constable of the city of London, and that day I was at Mr. Beckwith's. I was sent for; I found a great number of gentlemen, sixteen or seventeen in the shop and counting-house; I took a young man into custody; I laid hold of the cuff of his coat and searched him, and found some papers in his pocket; my mark is on them, it was put on some days afterwards; I left them with Mr. Wontner; I believe them to be the same; before I could take them into my possession the mob came; I asked to go back from the lord mayor's; I found these papers near where I first laid them."—You recollect that an account is given of the length of time he was separate from them, and some of the papers being taken away, we did not think there was proof sufficient to permit them to be read in evidence.—"I found some on a stool and some on the ledge of a window close by; these are the papers I found when I went back, there are six of them; I marked the pistol before I gave it to Wontner; I found it when I was searching him; I took him up three pair of stairs."

On his cross-examination he says, "I was absent two hours before I returned; I found some papers, with a key, which I took from the young man's person; I unlocked the door of a house, where I understood he lodged, with this key; the house was in Hyde-street, Bloomsbury; Fogg, one of the marshal's men, went with me; I tried the key; the papers were out of my possession a day or two before I marked them; I marked them at the Secretary of state's office; I put the key and the papers on a counting-house stool and on the ledge of the window; there were not half the papers left when I came back; Roberts, I believe, was in the shop when the pistol was delivered to me; I hid the pistol first at my own house; I kept it in my own possession till I marked it."—That is distinctly identified by the mark upon it.—"Zaccheus Bannister was the landlord of the house when I went with the key."

Sir James Shaw says, "On the second of December last, I was at the Royal Exchange, at half-past twelve; I saw the mob first in Cornhill; the lord mayor and I went in pursuit of them; they crossed the front of the Royal Exchange; we rushed through the Royal Exchange to take them in front on the other side, the lord mayor and I having received information of prior occurrences, determined on putting them down. I seized several of them, and one flag of three colours, extended on a very long pole; I did not then perceive any arms; I seized the colours, and their bearer, and the pole; I believe that the flag I kept in my possession till delivered, with the prisoner, at the bar at Lloyd's coffee-house; the pole I could have spoken to positively;

there were three inscriptions, 'Nature to feed the hungry,' and so on, the same inscription as on the flag; it was of the same colours and marked in the same way. I saw one musket taken from a man; two muskets were fired under the door of the Exchange into the centre, after the men and flag were taken and the doors shut; I heard the report of two; several of the men I had seized were in the Royal Exchange; I do not know what the guns were loaded with. The lord mayor and I went to meet the mob, with Mr. White and two constables; we got five constables in all; the whole party consisted of eight; we had no arms with us; we first saw the mob passing the south side of the Royal Exchange, none of them were on the north side; we dispersed them for that time; I cannot say that there was much resistance; the man who had the colours struggled to retain them; there was no personal alarm in any of our party; preparations were made before the second of December for the preservation of the peace of the metropolis; the meeting was a matter of general notoriety; the lord mayor and I, having received intimation that a small remnant of the rioters had gone to the east of the city, we pursued them; on hearing they were dispersed, we returned. The attack on the Royal Exchange was very momentary; the shot were fired under the door of the Royal Exchange, after the dispersion of the mob."—He is shewn a pole, and he says, "This is not the pole."

There was then a discussion respecting the reading of the papers; but, I have stated, they were not considered by the Court to be sufficiently identified to render it proper to admit them in evidence against the prisoner.

Thomas Taylor says, "On the day of the mob I was in Houndsditch; I saw it there going to the Minories. I have seen nobody since who was then going with the mob; I do not recollect any of them. The mob went on towards the Minories very quick. I observed a man walking with the mob who was lame; he was looking at the mob, with guns on their shoulders."

Francis Kinnersley, a constable, says, "I was in the Minories, on the second of December. I saw the mob there; they had arms, guns, pistols, and cutlasses. The gunsmiths shops had been broken open; I did not see Brander and Potts's then, but I afterwards saw that and Rea's, they had been broken open before I got there. I saw Mr. Preston among the mob three different times, at different places; I was ten or twenty minutes there before the soldiers came. On the arrival of the soldiers, the mob dispersed in all directions; some were taken with guns, and others threw them away; forty or fifty guns, besides pistols and cutlasses, and one piece of cannon, and secured that also. A great assemblage of the people remained after the mob first dispersed. I saw Preston amongst the mob at that time: I fixed my eyes on him."

On cross-examination he says, "I was ex-

amined by the lord mayor, and I stated, that Preston stood with his hands in front, and did not hiss. He stood quietly; I stated so at the lord mayor's; I observed him only accidentally. I live in Hanover-court, Houndsditch; I heard a great noise, and inquired the cause of it. On the soldiers coming, the mob dispersed, and threw away their arms in all directions; some of them used degrading language to the soldiers, and behaved in an outrageous manner."

On his re-examination he says, "On my coming out, I found all the shops shut up; every shop in the Minories was shut up, and all business was suspended."

John Hall says, "I am a merchant in London, and high sheriff of Essex; my business is carried on in the Circus in the Minories. On the 2nd of December, I saw a mob there; I went to Mr. Rea's shop, and assisted him to close it up. I had heard what had happened at Mr. Beckwith's; they arrived higher up the Minories at Brander and Potts's, with pickaxes and the butt-ends of muskets. I then saw one of the mob make an aperture in a fan-light window, and break the shutters of the shop-windows; I saw him remove the arms in the shop, and hand them to the populace; those who were on the outside were occupied in loading their guns, and firing them into the air; they repeatedly loaded them. Finding no military or police about to resist them, I went to the Tower to get assistance; it was refused me. I then returned to the Minories, and fixed myself near Rea's shop, to which the mob had then arrived, with a view of marking the leaders of the party. I observed them attentively; they were then attacking the door of Mr. Hewson's apartments, above stairs, to get a passage into Rea's house, through his apartments. That door afforded great resistance; they were at least ten minutes in getting admission at that door. Pickaxes and butt-ends of muskets were used to make an opening. A small brass field-piece was brought up, opposite the door, to fire in, as I suppose, to get entry at the door. The wadding was hanging out of the mouth of it, and it seemed to be filled up with something. I retired a little way from the door; the door being forced, they rushed into the house. Rea's shop was plundered of the arms, and they were delivered out at the window, in one street, and the door of the other. Since I came into court, I have observed that man, Thistlewood; I am certain that he was there, and that he was active; the colour of his whiskers appeared lighter then than now, but I have no doubt as to the rest of his countenance. He wore a great coat then, close-buttoned. He had no weapon then. I saw none of the other prisoners; one Simmonds was there also, who has been since convicted. I applied to several of the mob, to deliver up their arms before the military arrived, which several of them did. I have never seen Thistlewood since. When I saw him, he was sitting here as a prisoner; I never

saw him, but on that day. I saw no disposition in the mob to do any personal violence, their object was, to obtain arms. They fired, as in commemoration of their victory in obtaining them. When they first appeared at Brander and Potts's, I thought twenty people could have disarmed them. Afterwards four or five hundred collected. I could not see any specific object they had in obtaining arms. They went up the Minories, towards Aldgate, from the Tower. At the Tower, the officer on guard said, he had no orders to move the troops. I thought a file of twenty soldiers would have been sufficient. When I returned from the Tower, there were four or five hundred persons: the mob was shouting and huzzaing, and there were drunken women with sabres in their hands. I thought there was serious danger, when I set myself to observe the leaders, and went to the Tower for assistance."

Mr. Beckwith then says, "These are the lancets which were delivered to me by my apprentice; they have been in my custody ever since; nobody has had access to them since, so as to make marks on them. I have seen 'Watson' marked on them with a glass. There were forty guns and between seventy and eighty pistols taken. The lancets were not produced at the Old Bailey."

The next witness is another gun-maker, Mr. Martin Brander: he says, "About a quarter past one, the rioters came before our house; they said, 'This is the house, No. 70, in the Minories.' The whole shop is open to the street; we had shut up just before the mob came. When they came, they said, 'This is the house; if you do not open the door, we will break into the house, and knock it down.' Several guns were fired into the air in the street; they began hammering against the shutters with pole-axes like hatchets; they broke the shutters through, and then forced them down. A young lad got in through the fan-light, and asked for arms; he received a sword and pistol, from without; he then advanced through the shop into the counting-house; he stood over Mr. Potts, my partner, with a pistol presented to his breast in one hand, and a cutlass in the other. He handed out arms at the fan-light; the knocking at the shutters increased; they broke the shutters and glass down; when they all got in, they kept handing arms into the street. There were above twenty people in the shop; they took thirty or forty guns, between forty and fifty pair of pistols, swords of different sorts, dirks, and pikes; more than three dozen swords; the pikes were long staves, with iron at the end. They took also four pounds of powder, and three or four bags of shot, and several flints. It was Dartford powder. They took two hundred weight of bullets and small shot. We had just time to close the shop before they came. They were about twenty-five minutes from the commencement to their departure. There was no personal violence

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offered, except, as I stated, to Mr. Potts. There were twelve or fourteen firings in the air of guns at different times; the guns were loaded to the muzzle with bits of stone, &c. One pistol burst, and blew a man's finger off. I kept my temper, for resistance was useless. I sent to the Tower for a score of men; I left it to the discretion of the officer what number. I think a dozen red coats would have done. I did not go to see if there was any attack on the Tower. I conceived they came to our house to procure arms; I do not know what they meant to do with them. I think if soldiers had been sent from the Tower, the whole of the people in the shop might easily have been taken. They could not get out without getting over a bench, and they might therefore easily have been made prisoners. It was a serious subject of alarm to us, and a serious injury. Our servants were then all absent at dinner."

The next witness called is Thomas Rea; he is a gun-maker in the Minories. He says, "My house is nearer Tower-hill than Brander and Potts's. On the 2nd of December, I saw persons coming in the Minories, and the people shutting up their shops; with the assistance of my servants, I locked my shop, and put up the shutters and bars. I went into the garret, and I saw a large mob opposite my door. They broke the bars and casement, and stripped the shop to a very considerable amount; muskets, fowling-pieces, swords, pikes, and every article we deal in. They got into the shop, and demolished three desks; they broke the windows of my parlour; seventy or eighty fowling-pieces, seventy or eighty pair of pistols, pocket and holster, twenty pikes, and about thirty swords of different sorts; nothing else. I went upon the leads, and escaped to a neighbour's house just by. I do not sleep at my shop. Part of the house is let out to Mr. Hewson. I left the place as soon as they were in the house. Many of my arms were thrown down in the Minories, and picked up again, in about three quarters of an hour. There were troops there before I got back. An officer of police took a steel mounted gun, which was taken from my shop, to the police office. A brass cannonade, a three-pounder, was taken out of my shop. Prior to my coming back, the military came, and the arms were thrown away. The soldiers remained all night until next day. The mob continued there all night. The soldiers were there with their horses. The soldiers were keeping the people apart as much as possible; they remained to protect us. I lost three hundred weight of small shot, and one pound of powder. I cannot say that there were any bullets."

John Middleton, a stationer, says, "Mr. Beckwith's shop is a hundred yards from my house. I was at home at noon on the 2nd of December; I saw many persons pass our house to go to Beckwith's, eighty or a hundred, the mob, the rest following the mob. I saw John Hooper; he is the only person now in

court, that I recollect to have seen there; he wore a cockade in his hat of narrow ribbons of two or three colours; there was a flag also of three colours similar to this. My partner and I went into our balcony; we heard one or two shots fired; our house is nearer Newgate-street. They stationed themselves three or four minutes in front of our house, and seemed to be consulting. Hooper carried a stick in his hand, and appeared to have the direction of the mob. During this consultation, there was a great shout at Mr. Beckwith's house, upon which the persons consulting before my house returned to Mr. Beckwith's house. Hooper moved his stick in different directions, and pointed once to Beckwith's house, and went with the mob towards Beckwith's house; they remained there some minutes. When the flag was opposite to my house, I think Hooper took the flag for a minute; he was talking to the person who had the flag. After Beckwith's guns were taken, the mob passed our house again, charging and firing their pieces as they went along. There had been a shout at Beckwith's house before Hooper returned; they began to demolish Mr. Beckwith's house before Hooper got back there. I have no doubt of Hooper's person, nor of his being there.

Mr. Edward White says, "I was in a private parlour at the Mansion-house, when news was brought there that people were coming down Aldersgate-street. We were coming down Princes-street, and the mob were passing the end of it; the mob generally passed by the Royal Exchange, and went down Sweeting's-alley. I made my way through the body of the Royal Exchange; we rushed into the mob, and seized the flag, and the person who bore it; I assisted in taking him. I wrenched a double-barrelled gun from one person myself; there appeared a good many arms amongst them; two or three pistols were fired all-together. I seized a man. There was a pistol fired through the legs of the lord-mayor and me, when we were shutting the gates. I went for the military myself. I saw no more of the mob; there was no tendency to violence after the military came; I found the military at the Light-horse stables in Gray's-Inn-lane, about fifty lancers. I had no credentials, and had some difficulty in getting them. There was no attempt at resistance but by one man, who had the double-barrelled gun, whose collar I seized. The man with the flag struggled hard, and said, he had had it only a short time in his hand; the mob was not all dispersed when I left the lord mayor. I saw a man on horseback whom I thought of seizing, as he might be concerned in the mob, but, on consideration, I thought it best to go after soldiers, than to seize him; I thought he was addressing the mob. The lord mayor and I both thought it highly expedient to call in the military, blood having been drawn, and arms fired.

John Hodgetts says, "I was at the Royal

Exchange about one o'clock on the 2nd of December. There was a mob; there might be a hundred or a hundred and fifty in that particular part. I had seen a larger body, previously, before the Mansion-house; guns and pistols were fired. I saw the middle man there, Hooper, very active, and took him into the Royal Exchange; the lord mayor followed me; I searched his person, and found the butt-end of two pistols between his coat and great-coat; I took them from him, and delivered them to one of the lord mayor's officers" (who turned out to be Daniel Cartwright.) "I ascertained that one was loaded with ball; a bullet came out on knocking it on the ground."

Daniel Cartwright is called, and he says, "I received a brace of pistols from Mr. Hodgetts's one was loaded; I found it primed; I wiped the priming off, and took these three slugs out of one of the pistols."

On cross-examination he says, "He made no attempt to fire at me."

Then Richard Stephens is called, he says, "I received that brace of pistols from Daniel Cartwright."

Mr. Hodgetts is then again examined, and he says, "Hooper offered me no violence, he desired me to let him go; he said he would not run away; I stood by him till an officer came; I saw some flashes in the air; what I saw was fired in the air; I retreated; I saw no gun or pistol levelled against any body; I was examined at the Mansion-house, and stated there as I have done here."

There was then called a person of the name of Heyward, as to whom there has been some question, he says, "I saw the mob on the 2nd of December last, coming up Newgate-street towards the Bank, I followed them to the Minories, when the gunsmiths shops were broken open. On Tower-hill, I was observing the mob; I saw a person coming from them to Tower hill; he had a sword and a cutlass; I recollect the man; I believe him to be the man in the blue jacket (which is Thistlewood); he was not in the same dress as now; he had a great coat on then, and top boots; he came towards the railing next the ditch of the Tower; he put his foot on the railing, flourished his sword, and said something to the soldiers on the ramparts; he offered to make the privates captains, and to double their pay if they would come and join them; I heard no more, I think the troops were coming; he put his cutlass or hanger under his coat, and went away towards Mark-lane; I had not observed that man before in the mob."

On his cross-examination, he says, "I am a stockjobber; I was publisher of the Courier; I ceased near three years ago to publish that paper: I swear to my not having published it these two years. I went to Tower-hill to look after the proceedings of the mob; I first saw them in Newgate-street; I ran and gave information at the Bank; I dare say I afterwards told my story to several people. The same day I told to Mr. Bent, at the Mitre at

Stangate, Lambeth, all that I have now told; there were two or three persons with him; there was nobody there but me, that I knew. There was no mob there at the time the address was made in front of the Tower; the mob was at the gunsmith's on the hill. I was sent for by Mr. Litchfield last week: I had a note from him, with a subpoena: I mentioned this in casual conversation, not to any person here; I never saw that man before; I have since; I had not seen Mr. Litchfield; he must have known of me by hearing what I had said. Thistlewood was in the room by himself, with a warder, when I went to the Tower; I mentioned this in private company. I did not know that Mr. Litchfield was trying to get information; I knew the lord mayor was sitting to get information; the mob was then in sight at Rea's shop, only three doors from Tower-hill."—It occurred to me likewise, that he might have mentioned it to somebody else, I asked him, and he said, "I mentioned it to Mr. Ensor of the Bank of England."—This is a witness whose credit they seek to impeach. It appears, that he gave the name of one person on cross-examination, and on my question he named another person, to whom he had made the communication recently, after having gone to the Bank, to give the Bank information of what was going on; and he mentioned the office in which that person then was, the Cheque-office. If the testimony of this man was to be destroyed, it would have been much better to have called those persons to confront him, and to cut down his evidence, but neither Bent nor Ensor are called to contradict him, and therefore we must take for granted that he did make those communications of which he has spoken, to Bent and to Ensor. No contradiction being offered on those parts of his evidence, on which it might have been, if there were ground for it.

Then Thomas Edmonds is called, he says, "I was on duty at the Tower on Monday the 2nd of December; I heard the alarm of the approach of the mob; I looked towards the Minories; a person addressed the soldiers, and said, 'Open the gates, we will give you a hundred guineas.' I received orders to go on the parade; I quitted, and heard no more of it. I was going along the ramparts, inside of the Tower, betwixt the two great bastions; the person called out 'Soldiers;' I only was there another man was further on; the walls of the parapet are about four feet high in the inside; the man stood within the rails; there were no trees there; I could be seen a foot and a half above the parapet; the other soldier was before me; I went as fast as I could go; my comrade was before me. I went on parade then; I mentioned what I had heard to all standing round; I do not remember any body coming to the Tower, to ask for military assistance."

In addition to Heyward and Edmonds, there is another person of the name of Darlington called; he says, "I was a private of the Cold-

stream; I was on the ramparts of the Tower on the 2nd of December; I heard the alarm of the mob coming; I saw a man with a drawn sword at the edge of the ditch; when first I saw him he was walking; he said 'Open the gates, soldiers, and every one of you shall have a hundred guineas bounty, and double pay.' He did not take the soldiers to be his enemies, but his friends; they had been fighting for the rights of their country, but could not have them; I was going to parade, and I heard no more. Edmonds was not with me. There was a sentry beside me; I do not know who was sentry on the post. I ran to get my sword to go to parade. I went into the Tower on the twenty-fifth of February before that. When I went to the parade after this speech, captain Bentinck was the adjutant, I think, on the parade; I mentioned it to the non-commissioned officers, who reported it to the serjeant-major. I do not know who the man was; a mob of boys, thirty or forty, were round him when he was speaking from the ditch, there might be a great number. If this man did not speak the truth, they might have called the non-commissioned officers and the serjeant-major, who were on the parade, to have contradicted the statement, that he had so reported it. This finished the evidence on this day.

On the third day, Charles Miell is called; he says, "I am one of the horse-patrole of Bow-street; I was on duty on the second of December near Highgate; I saw three men walking, about eleven at night, going towards Finchley; I saw them against the church at Highgate; they passed me; two watchmen were standing against the church-railing; Watson, the prisoner, passed me on the right hand; some information led me to observe them; I turned my horse's head, and desired the watchmen to come with me; I thought the three men appeared confused; I turned my horse's head, and got rather before them; I rode up to the prisoner, who was the front man, and asked where they were travelling to; the prisoner said, to Northampton; I said, it was a late hour to travel so near town, it was near eleven. I said, I was a horse patrol of Bow-street; the prisoner took a bundle from under his left arm and held it towards me; instead of my taking it with my left hand, I passed my hand beyond it, put my hand into the breast of his coat, and laid hold of a pistol; I drew it out, and said, if he offered to move, I would blow his brains out. One of the two watchmen was close to me; I told that watchman to secure the other two; the watchman ran back and sprung his rattle. The other two who were with the prisoner, each drew a pistol, and one pulled the trigger; both pistols were pointed towards me; the powder did not catch; the two ran away. Four or five people came from the Red-lion public-house; hearing me call, "stop thief," they said, 'Why don't you go after them?' I said, 'I have a prisoner.' They said 'Leave him with us.' I left him with them, on the landlady's assuring me

I might. I proceeded after the other two for two or three hundred yards; I heard a scuffle, upon which I went back; I found the prisoner and the two men with whom he was left scuffling on the ground. At this moment people came from the public-house; one of the pistols went off; I got off my horse, and secured the prisoner; I saw something bright, and perceived the prisoner had a dirk in his hand, and one of the young men was trying to wrench it from him. I took him into the public-house; I instantly searched him, and found some papers on him. That is the pistol I took from the prisoner; these papers I took from the prisoner; I marked them before I parted with the possession of them. I asked him his name, he said, his name would be well known at Bow-street; he did not tell me his name; I said nothing more to him at the public-house. I conveyed him immediately to Somer's-town watch-house; he said, he had been in the city; that he had been at the Spadfields meeting, and towards the Tower; he said, he had not been in Skinner-street; he had been through East Smithfield, and away down to the Tower; he said nothing more about the Tower. I examined the pistol I took; it was loaded with powder and ball. He said over night, that it was a very unfortunate thing that he had a pistol in his breast, which had been observed; I had not observed it, but had supposed there might be a pistol from the information I had received; I apprehended him from finding the pistol. I told him, I had detained him on suspicion of his being one of the characters that I had heard of the week before; he asked what characters; I said footpads; he did not seem to know what footpads were. I gave evidence before a magistrate, and before the grand jury; not at the Old Bailey; the magistrate was sir Nathaniel Conant. The prisoner said what I have mentioned, and nothing more; that was all he said about being at the Tower; nothing about the time he was at the Tower, or in East Smithfield. I asked him his name when he was in custody at the public-house, and again when he was going down the hill. He knew I was going to take him to Bow-street, and then he said his name would be well-known at Bow-street.

These papers, gentlemen, you recollect were found on the evening of the 2nd of December, on the person of the prisoner Watson. There is first of all, one headed, "Committ. P. S." It is made a question what those letters mean; you will consider whether after what has been given in evidence, there is any doubt what those letters mean. The names are, sir F. Burdett, lord Cochrane, Mr. A. Thistlewood, Mr. J. Watson, Mr. Gale Jones, Major Cartwright, Mr. T. Evans, H. Hunt, Esquire, Mr. Hardy, Mr. R. O'Connor, and Mr. Blandford; and there is a duplicate of the same paper. This one should suppose was an intended committee, or more probably names put down to hold out the appearance to others of a committee being to be appointed.

The next is a paper, on the importance of which, many observations have been made to you; "Smiths, Westminster-road." Westminster-road, I think, was the place where it was stated by Castle, that Maudsley's men were to meet, "collect and meet, form three divisions at London-bridge, and proceed to the Old Man;" now the Old Man has had an explanation given to it as being a name for the Tower. There are three divisions—this imports certainly some kind of military arrangement and order of those persons, to assemble in three divisions, and proceed to the Tower. That the Tower was not out of contemplation of the framer of this paper appears, for there is mention in another paper, of the Tower by name. Then there is "Smiths, Westminster-road, form three divisions, collect numbers, and meet at London-bridge, where will be met and lead to the Old Man."—This paper contemplates on the part of the writer, a meeting by those persons in Westminster-road, and a going on from thence to the Tower. Then "Paddington, to proceed to St. Giles's near the top, barricade each side to Holborn-bars, branch off to T. B.;" that may be to Temple Bar. "Chancery-lane, Carey-street. Then St. Giles's-street in Holborn; broad part of Holborn Bars, Chancery-lane; 2, Carey-street, Temple Bar; 3, Theobald's-road, Gray's-Inn-lane, Elm-street; 4, St. John-street, Old-street Road; 5, Whitechapel; 6, Tower; 7, Bank; 8, Poultry."—One may collect from this, a kind of portioning and distributing of divisions of the persons collected; many of these words are abbreviations, but the person who had this in his pocket, and is found with it, can give, if any person can give, an intelligible explanation of it, and if any person can give an innocent explanation of it, he can do so; and provided "barrede," did not mean barricade, and that "the Old Man," did not mean the Tower, all this would be capable of explanation by the man to whom the document belonged, and you would naturally seek the information from that source. This paper which he had in his pocket, seems to have a reference to some kind of barricade, and persons being stationed near the places which are there mentioned. If the man on whose person it is found, does not give any explanation, an explanation may be given to it from any other parts of the evidence which furnish such explanation with a reasonable appearance of probability.

Now from beginning to end, the learned counsel for the prisoner have offered no explanation of the contents of this paper; they have suggested, that this might have been conveyed into his pocket by Castle. Why so? How should Castle without a spirit of prophecy have thought of such a thing, without at the same time foreseeing the event of the prisoner's being taken afterwards, and his pockets searched, and this paper found there; without anticipating these circumstances—it would have answered no purpose to have conveyed it into his pocket. There appears, therefore, to

be no rational explanation of the circumstance of its being found in his pocket, where it was found, otherwise than by supposing him conscious of the contents; and if the contents are innocent, if they have no mischievous meaning, as referring to any force collected and stationed in different parts of the metropolis, or to any plan meditated against the Bank or the Tower, that might have been distinctly shown; but taking it independently of any other evidence but the paper itself found upon him, without combining it with any person's evidence, you will consider whether it is open to the comments which have been made upon it, when found at such a moment.

If the other evidence is considered in connexion with it, it will be found to have been stated, that he was himself talking about the Tower; you recollect that he is lamenting at the public-house in East Smithfield, kept by a woman of the name of Wright, that they had not been early enough or forward enough, or they might have been *in possession of the Tower long ago*; that is what passed on the afternoon of the second of December, and it seems to cast a strong probability on the explanation which is here given of this word as referring to the Tower.

A Jurymen.—May we be indulged, my lord, with a sight of the paper again?

Lord *Ellenborough.*—Certainly, gentlemen, but perhaps it had better be deferred for the present; you shall see every paper.

There is another, which is a letter addressed by some person to Preston, in these words; "Sir, having understood that you want somebody to deliver out bills, I should be happy to do it; and a friend in distress as well as myself would be glad to make one too; having had the pleasure of seeing you at the Red-hart, Shoe-lane, if you will have the goodness to call at the Red-hart to night, or let me know where I can see you; I shall esteem it a favour; being very much in distress and not knowing where to get a shilling towards my support. If you will have the goodness to give me a job, I shall esteem it a particular favour." This is a letter canvassing for employment in the delivering out of bills.

A Jurymen.—A printer I take it.

Lord *Ellenborough.*—No, it was a person wishing for employment to deliver out bills.

Another Jurymen.—So I understood, my lord.

Lord *Ellenborough.*—Most probably the hand-bills.

The next witness is the one who has been the subject of so much comment and observation, John Castle. He says; "I know the prisoner perfectly well; I know also Watson, his son, and Thistlewood, and Preston, and Hooper, all perfectly well. I knew John Hooper first; I have known him about two years. I became acquainted with the prisoner in October last,

three weeks or a month before the 15th of November, the first meeting in Spa-fields. I had seen him at the Cock in Grafton-street, having been frequently there before. A society called the Spenceans met there. I first saw him there, before I became acquainted with him. Mr. Watson said, it was an easy matter to upset government, if it was handled in a proper manner. This was said at the Cock in Grafton-street. He appointed that night for me to meet him at the Mulberry-tree in Moor-fields; a society of the same kind met there as at the Cock, a Spencean society. On the first night at the Cock I met Preston; also the same night, that is, the night that the conversation took place about upsetting the government. Preston the same night called me down stairs, and desired me to meet him at another society of Spenceans, at a house near Fleet-market. I asked for what purpose; he was one of the committee, and they were petitioning parliament to do away machinery. Something also passed about the meeting at the Mulberry-tree. I told him I had promised to meet them there. I met them at the Mulberry-tree next night, both of them, the two Watsons, Preston, Hooper, Thistlewood, the two Evans's, father and son, and John Harrison, and other persons whom I did not know. I walked away with the elder Watson when the meeting broke up: he had the same conversation with me as before renewed, that it was an easy thing to upset the government, conditionally, if it was handled as it ought to be. I asked him, which way? He said, if a few good fellows got together it would be very easily done. He told me he had drawn a plan of an instrument, which would prevent the cavalry coming upon the people; that they had got several people they had solicited, and a committee sitting to devise the best mode and plan. There was more conversation of the same kind. He asked me where I lived; I said, at No. 5, Newton-street, Holborn; he said he would call next morning, and show me the plan. There was nothing more particular passed, we parted for the night? he called on me the day but one after, which was the Saturday morning; he had called, as I understood, on Friday, but I did not see him. My wife went out on the Saturday when he called; I desired her to go out; he was about an hour with me; he produced a plan of several parts of the Tower, and of a machine to obstruct cavalry, on four wheels, with knives like scythes on each side, and spikes in front; the scythes were very sharp. He wished me to exert myself as much as I could, and get as many people as I could together. He produced other drawings of different entrances to the Tower, of avenues out of it, and several other drawings. He asked me how many I could bring? I said, I knew a great many men, but did not know whether they would act when brought to the test. I said, I had nothing but my work to live on; he said never mind that, they wanted me for something better than that, they had sufficient

money for every thing. I made an appointment for next morning; I think I met him that evening: I have met Preston and him several times, and cannot say whether I met him that night or not; I met the elder Watson at eleven o'clock next Sunday, at one Newton's; not much conversation passed then, there being other people there. Watson told me, in coming down Drury-lane, that they had a committee of five, Harrison, Thistlewood, his Son, and himself; that I should be made one of the generals, and head a party of pike-men and other men, and I might consider myself as one of the committee from that time; that they would take in no more; that I should be the sixth. I made an appointment that night to meet him at the Nag's-head, Carnaby-market; we met at the Nag's-head; Keenes, the younger and the elder Watson, Thistlewood, Preston and the two Evans's; nothing particular passed; I met him the Tuesday morning after; I went to Portman-street and King-street barracks, and a small powder magazine in Hyde-park; I went past it."—Now, if he had not been to places where Harrison and Keenes are mentioned to have been, they might have been called to contradict him, and here is a person whom he states to have been present, who is called Skinner, and who is not examined to contradict him.—"I believe I had seen him once or twice before at the Spencean meetings; I had conversation with him before; we were to look at the whole of the avenues to see which was the best place to set fire to. Skinner left us in the Park; Watson then said, that he thought Skinner had been a cleverer man than he was, he meant to have made him an officer, but found him not at all calculated, he had no ideas whatever. I met him and his son at Newton's; I did not know his son till after; this was in the morning, I think on a Wednesday; the meeting was at the Cock, in the evening; a Spencean meeting. I was introduced to Thistlewood that day or the day following, by John Harrison, two or three strangers were present. Harrison, whom I mentioned as being of the committee, was there; we outstayed the strangers. A conversation," without stating the conversation, "took place with Thistlewood after the strangers were gone, this was at Newton's; we had ale. Thistlewood asked how long it would take and what money it would take to make a few hundred pikes; I told him it depended on the size, the length, and the sort of materials. I asked the length and size, he said nine or ten inches, and marked the length with his pencil. I said they would cost about four-pence or four-pence half-penny a pound; he then wished me to make one for him as a pattern to look at; I promised I would, but I said I had no place to make them in. Harrison said he knew a person who he thought would lend me one of his forges to make a pattern; I was to make one, and meet them at the Cock in the evening, and to bring the pike to the public house

almost opposite to Newton's, belonging to one Randall, or some such person; whether the name was Randall or Ralsdell, I cannot say. I met Thistlewood, the two Watsons, Hooper, and Harrison. I had not made the pike, but got one made. Hooper and Harrison went with me to Bentley's, who had a shop in a cellar in Hart-street, Covent-garden; I am not certain that was the place. I asked Bentley to let me use his forge, and make spikes to put round a rabbit warren or a fish-pond, I am not certain which I told him. Bentley asked the size; he would not let me make it as I offered to do, he made it whilst I stayed. Harrison and Hooper stayed whilst it was made, and we came away together; at Ralsdell's or Randall's, I met the two Watsons, Thistlewood, Harrison, and Hooper; Preston was not there; I produced the pike. Watson the prisoner, who was called doctor Watson, said it was a famous instrument. Nothing very particular passed. We met afterwards at the Cock; the doctor then wrote the name of the house, No. 9, Greystoke-place, where the committee met, on a paper. I went to Paddington with Thistlewood amongst the navigators, to see how many people out of employ we could get together and the spirit of them; we went to different public houses; we found navigators, and Thistlewood treated them with beer; we had seen them two nights before; they said they were out of employ, and if there was a good row, they would sooner die than be starved to death. We told them we should want them for a job in a little time, and asked how many they could collect in a short time; they said five or six hundred any morning, there were so many out of employ; we treated them with beer and came away. We went to a public house in Long-acre, which the soldiers used who attended the theatre; there were eight or ten soldiers there at one time. Thistlewood gave them half a gallon of beer; Thistlewood asked how they were treated by their officers, and what their pay was. He went then to a public-house in Vinegar-yard, and found several soldiers there who attended Drury-lane theatre; we had similar conversation with them, and Thistlewood treated them also with beer; I think that was a gallon. A soldier there spoke rather violent against government, as to their being discharged without pensions after fighting so many years for their country. Thistlewood gave me two three-shilling pieces before we parted, and invited me to go to the different houses and collect all the people I could together, and to meet him next day, I think, at Newton's. I met Thistlewood, Watson the prisoner, and Harrison; our conversation was about going from house to house and seeing what people we could collect. Thistlewood and I went to the Fox-under-the-hill, where we found coal-heavers and porters who empty the barges; people who work on the river; there might be ten or twenty out of employ; we gave them beer; they said, there were fifty or sixty standing in a morning at

almost every avenue of the different wharfs or stairs. Thistlewood found the money. We came then, I think, towards the Cock; I went, by his desire, to several other places, to see who were out of employ; if I found any body more violent than the rest, to communicate his name to Thistlewood. I made an appointment for Thursday or Friday morning, at eleven o'clock, at Greystoke-place, Fetter-lane; I went there at the time appointed; I found the house shut up. I saw Thistlewood walking on the other side of the street; he called me over to him, and said the doctor had not come yet, he had got the key; that he was always behind his time. We waited twenty minutes. Watson came, and opened the door, and we went in. In a few minutes Preston and young Watson came. I did not know before, that he was his son. We conversed about the soldiers, about the best mode of setting fire to the barracks, and of getting people together. The pike Bentley had made, was produced there. Thistlewood said it was a very famous weapon, and he ordered me to get two hundred and fifty made immediately by Bentley. It was a matter of consultation amongst the five. All the committee were there but Harrison. Doctor Watson and I told Thistlewood that we had been together, and had thoroughly inspected the Portman-street barracks and the King-street barracks. Thistlewood and young Watson both said they had been at those barracks before. They said so at that meeting, and that they had observed the avenues; that there were six avenues to King-street, and only two to Portman-street barracks. The object of our going there was, upon seeing the avenues, to judge what combustibles would be wanting to set fire to each, and prevent the soldiers coming out with their horses. We appointed a general meeting of the six for Sunday; we met on Sunday, all the six. I had paid Bentley ten shillings in advance, for iron for pikes.—Bentley, it should be observed here, confirms this fact in his evidence, that he had been paid ten shillings before for the iron.—“They were to be made as soon as possible; Thistlewood asked Harrison or me where he could get handles for the pikes; Harrison said there was a place behind the King’s Bench prison, where they might be got, Harrison said, for three-pence or four-pence a-piece, but it depended on the length of them.”—Now in respect to this, as well as all the other numerous places in which Harrison’s name is mentioned, Harrison might have been called to contradict this, if no such conversation had passed, nor such transaction had happened.—“At a meeting privately in Greystoke-place, on Sunday morning, some boxes, or a large box was fetched down, because there were no tables or chairs; the room was searched, to see that nobody could overhear. Thistlewood produced a map of London. This was about twelve days before the first meeting in Spa-fields. About the third of November, I marked out which was the best road to take

the men who should be collected, to attack the different barracks. The first arrangement was, to appoint the whole of the committee generals, to attack the barracks at the same moment. Watson proposed Thistlewood as head general, he finding the whole of the money; he and the younger Watson were to take the two field-pieces from the artillery-ground in Gray’s-inn-lane. Preston was to attack the Tower; Harrison the artillery barracks; St. John’s Wood barracks by the Regent’s Park. Harrison said he had been an artillery-man; he said so in their presence. I was to set fire to the King-street barracks, and either to take prisoners, or kill all that might escape. I was to have all such people as I could get; navigators, &c. armed with pikes and different weapons we could get. The elder Watson was to set fire to Portman-street barracks, with pitch, tar, rosin, spirits of wine, and sulphur. We were to attack the whole of the places at one o’clock in the morning, on a Sunday. We were to take the horses out of the carriages, and those who could ride were to form cavalry, and barricade with the carriages. After I had set fire to King-street barracks, we were to meet the elder Watson at the top of Oxford-street. Harrison was to join us with the artillery from the Regent’s-park. As soon as he had joined, a volley was to be fired, to let the remainder know we had got possession of the artillery. Two field-pieces were to be taken into the Park, to fire on the cavalry, if they attempted to come from Knightsbridge barracks. The guns were to be protected by a parcel of pikemen, to be left there. We were to barricade the avenues about Portman-street, to prevent the horse coming who might be out of quarters; we were to go down Park-lane to barricade the different gates to prevent any body coming from the Park into Park-lane; the Piccadilly gate, at Hyde-park-corner, was to be fastened and chained, and a party left to fire on the horse, if they should come. We were to proceed to Charing-cross and Westminster-bridge, and barricade the avenues to prevent the horse coming round from Chelsea. When Thistlewood and the younger Watson had got guns at Gray’s-inn-lane, they were to attack the oil shops and gunsmiths shops for combustibles and arms, and blockade from Gray’s-inn-lane to St. Giles’s “all those places are referred to in the other evidence,” where Thistlewood was to make his grand stand. One gun was to be pointed up Oxford-road, and the other up Tottenham-court-road. Preston was to attack the Tower, and the younger Watson was to have gone up Oxford-road, and barricaded all the avenues to the right, and then they would be all barricaded to the right and left. If Preston did not succeed at the Tower, he was to barricade London bridge, to prevent the artillery coming from Woolwich; he was then to barricade White-chapel, to prevent troops coming from the country that way; and when he had got sufficient force he was to meet the main body at

"the Old Lady," (a cant name for the Bank) and "the Old Man," he says, was a cant name for the Tower. "After this arrangement was made, Thistlewood desired doctor Watson to calculate how much the combustibles would come to, and how much it would take for every avenue of the barracks. Doctor Watson said it would come to something short of a hundred pounds; the papers were destroyed when done with. Thistlewood bid him not spare for twenty pounds, but roast them well. Doctor Watson said the flame would be so rapid and stench so strong, that it would stifle them in a few minutes. Young Watson and I were appointed to look out for a house to lodge combustibles and arms in; we were to take it as for a trade, for an oil and colour shop, so that there should be no suspicion on taking in combustibles. Thistlewood said, Take it at any price, as we do not intend to pay for it. Thistlewood ordered us to go about the house in the morning, and the doctor to purchase the combustibles. The attack on the barracks was to be on Saturday night or Sunday morning following, between the ninth and tenth of November. I was to go to the shop as young Watson's servant—that was to be a mask—"we were to lodge those ingredients there, and to get men to bore holes in the handles to fasten the pikes on the handles; it was fixed who was to have the command. Thistlewood was to be first in command—old Watson second—Harrison third—Watson proposed me for fourth—young Watson fifth, and Preston, as he was lame, to be the last. It was then arranged that they should appoint a committee of public safety. Thistlewood proposed it to be called together after we got the better of the soldiers, or the soldiers had joined us; that is, if we succeeded. The greatest part of the names were mentioned by the elder Watson and Thistlewood. I think twenty-four were mentioned that day."—The nomination of a committee of public safety is certainly confirmed by the paper found on the prisoner, headed Commit. P. S.—"I recollect a few of the names—sir Francis Burdett, the lord mayor, lord Cochrane, Mr. Hunt, major Cartwright, Gale Jones, Roger O'Connor, one squire Fawkes of Barnborough Grange in Yorkshire, Samuel Brooks, Thompson of Holborn-bridge, the two Evans's, Watson, and Thistlewood. A proclamation was to be issued as soon as we had got the better, that a new government was to be established, and a bounty of one hundred guineas for the soldiers, or double pay for life, which they pleased, if they joined us. Thistlewood desired Watson to calculate what it would amount to if they took the hundred guineas; he calculated it at about two millions, which he said was nothing comparable to the national debt, which would be wiped off. Harrison said, he was afraid that when we called the people together we should not find so many as was expected; the answer by Thistlewood was, that if we could

get three or four hundred together, he was determined to act, and would not wait longer than Saturday night or Sunday morning following. We remained together from eleven o'clock in the morning till five or six in the evening of Sunday"—which probably was Sunday the third of November—"it was agreed that we should see how many men we could each of us get together to be reported to Thistlewood. Thistlewood and I went to Paddington, to the public houses we had been at before; we found several navigators there; nearly the same conversation passed as before, that we wished them to get men together, as they would be wanted in a few days. A young man was violent, and Thistlewood bade him bring nails at the end of sticks, or spike nails, or any thing to run into a fellow's guts. Thistlewood and I went to three houses about Paddington, one of them was at the corner of Lisson-street or Lisson-green, I believe; we were to give our different reports. On the Monday morning, young Watson and the elder Watson and I, met at Randall's or Rainedell's in Long-acre. Young Watson and I found an empty house, that we thought would answer, by Seymour-place; a woman showed it us."—This is very material: "A woman shewed it us, she referred us to a timber-merchant, who lived near this place, lower down on the left-hand side, a Mr. Cosser; young Watson went in, I stopped on the outside; he said, Mr. Cosser had said there was fourteen or fifteen pounds worth of fixtures, and that he had given Thistlewood's name as a referee, in Southampton-buildings. Young Watson and I then went to No. 9, Grey-stoke-place, and met the whole of the committee, and reported what we had done; Thistlewood said he would attend when Mr. Cosser called. Cosser had said he could not call for a day or two, and Thistlewood said if Watson wanted the fourteen or fifteen pounds down for the fixtures he was to draw on him. Preston reported what a number of people he had had at a meeting in Spital-fields; he wished as many of us as could, to meet there that evening; the whole six of us, and Hooper, who was not then of the committee, went. It was near or in Spital-fields; there were sixty or seventy, which was more than the room could well hold; one John Dyall appeared as chairman; the elder Watson read something in the form of a petition to the prince regent, or the parliament, I do not know which. We all came away together; Thistlewood said the only outcry of the people was want of arms. Thistlewood ordered me to get 250 more pikes made. I went two nights after to a different house in or near Spital-fields; at the former meeting there were five other houses appointed, and old Watson promised that the petition should be printed, and one left at each of the houses. We went to a different house somewhere above Brick-lane, twelve or fourteen people met; Dyall was in the chair, and read the petition, there not having been time to get it

printed. Watson employed one Crisp to write three copies; he wrote a part at the Cock, in Grafton-street; only two of our committee were there, Harrison and I, and Hooper, who had not joined the committee; the remainder of the committee were gone to different houses. I joined Thistlewood at the house where I was the former evening; I went with Harrison and Hooper, who knew the way; Harrison, Hooper, and I, walked together; on our return Thistlewood disapproved of the smallness of the meeting; Harrison said they had not got money to pay for drink; we had paid for ourselves; Harrison said, he thought they would be disappointed, when they came to call them together, that if they kept treating them with liquor, they would have half Spital-fields come. On Friday the whole committee met at Greystoke-place; Thistlewood told us, that Mr. Cosser had called on him about the house; he did not know whether he would let him have it, but he desired young Watson to get the key, to put in the ingredients; he then bade him go to Mr. Cosser, and to draw on him a check at eight or ten days, for the money required for the house; young Watson reported in the evening, that Cosser doubted about letting him have it, without paying a quarter's rent in advance; and intimated that he did not think the situation would suit the business; we did not proceed in taking the house. On the Sunday after, the whole committee met again in Greystoke-place; Harrison then made proposals to call a public meeting, to see how many they could collect who would join them; this was unanimously agreed to, and Spa-fields was agreed on as the place. Young Watson and Thistlewood went out to look at the ground: they returned, and reported that it was a very famous place, being so near the Tower and the Bank, that they could get into town, and take them by surprise. Thistlewood said, now let us draw up placards to be stuck up, and hand-bills to be distributed about. Places were mentioned, the Borough, Spitalfields, Petty France, amongst all the working people, one day going in one direction, and another day in another; the paper was read and approved of, and it was determined that it should be advertised, I think, in *The Statesman*, news-paper, and that five-hundred small, and two hundred and fifty large, should be printed off immediately. The elder Watson undertook to get them printed by a printer in Fetter-lane or Gray's-inn-lane, with whom he had formerly lodged; he came back, and said the printer wants a one-pound note to go on with to purchase paper; Thistlewood gave him a ten pound note, he was to give me enough out of it to pay for the printing and the pikes; this was on Sunday the 10th of November. Thistlewood asked, who would undertake to get a waggon to speak from; I undertook to get one; I said, I thought it might be obtained for forty or fifty shillings. Thistlewood said, they would have a flag, green, red, and white, and that his wife

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should make it; he asked the doctor what would be the best motto to put on it, the doctor wrote out on a paper, Nature, Truth, and Justice; the same motto we afterwards had at Spa-fields; I was appointed to carry the flag, being the strongest. I was desired by Thistlewood to get, at Paddington, half a dozen navigators to carry placards about pasted on pasteboard; I went that Sunday night to Paddington, and appointed navigators for the purpose. I was appointed by the two Watsons to meet at a coffee-shop in King's-gate street, Holborn, the next morning, to receive money from the elder Watson to pay for the pikes, and to buy some nail-bags to bring them away. I met the two Watsons next morning; the elder Watson gave his son five one-pound notes, to go with me to Bentley's; young Watson went to purchase nail-bags, while I went to Bentley's to get the bill made out; Bentley had made about two hundred and fifty; he made out the bill; I went to his house first; Bentley and I went to a wine vault, and there young Watson came in, and produced the nail-bag; the wine vault is the corner of a court leading out of Hart-street into Long acre, called I think, *Leg-alley*. Bentley produced his bill, and I paid him; young Watson gave me the money in the presence of Bentley, and I paid Bentley; I think three pounds fifteen shillings was paid there, after giving me credit for the one pound paid before. We three then went into Bentley's cellar where the pikes were, and all three assisted in putting them into bags, and young Watson and I carried them to Hyde-street, Bloomsbury, where both the Watsons lodged; the pike heads were deposited under what looked like a sofa-bed, or bedstead. We then went to the committee in Greystoke-place; I produced the bill and receipt from Bentley to Thistlewood; he desired me to destroy it, which I did in his presence. I and young Watson informed him we had got the pikes; the elder Watson and I went to the printer for the bills; I afterwards saw him with the elder Watson; he said he had been at some office to make inquiries, whether it was legal to print them or not; the printer lives two or three doors from Fleet-street, the back door of the house leads into a court; I went in at the back door; the printer's name was Storer; he said he had once before got into a scrape; he said he had near two hundred finished, but he should destroy them; he produced several bills printed, but he would not let them go out of his hand. Young Watson joined us; we wanted him to cut his name off; he refused, and said, he would destroy what he had printed; we went to a public house whilst he considered whether he would let us have them. Watson returned, and brought away the paper prepared for the printing; I carried the paper to Greystoke-place; we both of us reported to the committee, that we had not got them printed. Then it was resolved, that Watson the elder should go to Scale, a printer, in Tottenham-court-road, to

get two hundred and fifty printed off immediately, if he paid an extra price for them. He went, and returned and reported that there should be two hundred and fifty ready next morning by eight o'clock. This was Monday the eleventh, the Monday before the meeting. Watson the elder reported, that he had got a man to stick up the smaller at two shillings and sixpence the hundred, and the larger at four shillings or four and sixpence. Sir Francis Burdett and Mr. Hunt were to be invited to attend the meeting; a letter was written by the elder Watson to those gentlemen, and sent away. An advertisement was written by the elder Watson for the *Statesman*, I believe it was, to which it was sent, with seven or eight shillings from Thistlewood, to get it put in immediately. At the first paper to which it was sent (I believe the *Times*) it was refused; all were present at this time, I was to get the navigators together the next morning, to distribute hand-bills amongst the manufacturers and soldiers, and exhibit placards on their backs. I, Harrison, and Preston, were to follow the men to see they stuck up the papers and distributed them properly; I appointed the navigators accordingly, for Tuesday the 12th; I went to the Cock in the morning; the bills were not come from Seale's; I went to Seale's and Hooper, with me; we took the placards and bills to the Cock. The six Paddington navigators came according as I appointed them; I treated them with bread, cheese and porter; the whole of the committee was there. Thistlewood sent out to purchase pasteboard and string to tie on their backs, and we sent out the men with the placards, one by one, as fast as they were ready; directions were given to the men with the placards, to walk very slow in the populous parts, among the lower orders of the people, and to let the people read when a crowd gathered round them, and to deliver small bills out, but not to be extravagant with them; to deliver them to soldiers and the lower orders of people, and any body out of employ; and to deliver them at the different factories; one shilling was given to each of them, and they were to have another shilling when they returned in the evening; the three I was to pay, were to return to the Cock, in Grafton-street, in the evening, to receive pay and orders for next day; the elder Watson brought some bills and placards from Seale's; Hooper went part of the way with me; they stuck them up at different public houses, where they would let them; this is one of the small bills, the large one is in the same words.—The large bill was that which has been produced to you; this I have read before: "At a meeting of the distressed manufacturers, and so on." I will not trouble you with it again:—"Hooper and I went by Charing-cross; he said he had stuck up one on the pedestal of king Charles, which I afterwards saw there; he told me that he was interrupted by the man attending the coaches, who said he could get twenty shillings for his getting over,

for some penalty. All the committee met in the afternoon of Tuesday, at the Cock, in Grafton-street; the next morning, Wednesday, I went to the Cock again, the navigators came there then; the committee was appointed to meet that evening in Greystoke-place; we did not all meet, in consequence of a quarrel between young Watson and Harrison. Young Watson reported the quarrel, all were present but Harrison; young Watson said to Harrison, "if we had not known you well, I should have thought you a marplot." Harrison said, "that if they did not mind, he, young Watson, was so violent, he would bring himself and all the others into trouble, and he would have nothing more to do with them." So young Watson reported; this threw the whole of us into a state of alarm; we resolved to meet at another place, though we thought he would not deceive us, and disclose the plan. We then agreed to meet again late in the evening; Thistlewood desired me to call, in the meantime, on Harrison, to know why he had withdrawn; we appointed Hooper on the committee in Harrison's place; we appointed the committee to meet that night at the Blue-last, in Salisbury-square, Fleet-street; I was to bring Hooper with me. I went to Harrison, and reported what passed between him and me; I told him young Watson had reported that he had withdrawn himself, and I wished to know the reason. He said he had, and wished me to do so; he said young Watson was so violent, he would get himself and everybody else into trouble. Harrison said, he would have nothing more to do with us, neither would he attend the Spa-fields meeting.—I went to the Cock, in Grafton-street, on leaving Harrison, and there met Hooper, and told him he was chosen on the committee in Harrison's place. He wanted to know the reason, I told him that Harrison and young Watson had had a quarrel, and Harrison had turned traitor; Hooper said he would not believe it. Harrison came, and Hooper told him he heard he had turned traitor, and that he would not believe it; I said I had not called him traitor, but young Watson had called him a marplot. Harrison said, he had withdrawn, and should not attend the committee any more, nor the meeting. Hooper and I went to the Blue-last, where the meeting was appointed; all came in after I got there. We stopped there some time, but went away, there being no private room there; we went to No. 9, Greystoke-place, went into a two-pair of stairs back room, to which there was no window, all six were there with Hooper; he was told he was elected in the room of Harrison, who had withdrawn, and the whole plan was explained to him, the plan for next Friday; the plan about the barracks was at that time done away with, because we could not get the house. The plan for Friday, the 15th, was, that the elder and younger Watson, and Preston, were to address the mob from the waggon, to be there about twelve, before Hunt came.

Hunt was to be there at one o'clock; and if Thistlewood saw the spirit of the people ripe to act, that we, the committee of six, were to jump from the waggon and head the mob into the town; six cockades, one for each, and a flag, were to be prepared. Thistlewood said, if the mob called for weapons, we were to tell them we would soon find them weapons from the different gunsmiths' shops; it was mentioned that there was scarce a gunsmith's shop in London which had not been inspected, to see what arms there were there, and the situation in which they stood, so as to go directly to them. I cannot say whether the elder Watson or Thistlewood mentioned that, but it was one or the other; it was said, that when arms were got, they expected to go down to the Tower, and to take it by surprise. The Bank and Tower were mentioned; if the Bank was taken, it was stated then how we should proceed; we were to get all that we could on the top of the Bank, to throw things from thence, to bring out the books, and, if the soldiers came, we were to burn the books, and do away with the national debt. Our committee met on Thursday the 14th, the day before the first meeting, all six met; Hooper was one, Harrison having completely withdrawn himself. The remainder of the bills were brought from Seale's, and bills and placards were sent out on Thursday morning as before; five of us only were there; Preston came to fetch his bills, and went away to another place. In the evening, our committee met again, I cannot say where, but I think in Greystoke-place; Thistlewood and Watson senior said they had seen Hunt at Bouverie-street hotel, and that he had made some objections to the petition to be read to the people, and wished to have one of his own; they reported further, that Hunt had had a letter from sir Francis Burdett, that his son was ill at Brighton, and he could not attend. We agreed to meet next morning at a public house near Whitefriars, called the Lincolnshire-house; I was to call at Thistlewood's to get the colours and cockades, I was to procure a staff. When the committee broke up, Thistlewood and I went to some houses, to the Nag's-head, Carnaby-market, and distributed bills, and invited as many to come as we could; we distributed bills too for the meeting next day, amongst the soldiers by the theatre; beer was given by Thistlewood at those houses. We never went to any place where mechanics were out of work, to whom we did not give beer. One Gilling, who had been a serjeant in the guards, I conversed with in the morning of Friday. I went to Thistlewood's lodgings in Southampton-buildings, and saw him; and received a flag and six cockades from Mrs. Thistlewood, in the presence of Thistlewood and his son—that was the flag. Thistlewood gave me money at the same time to buy a staff for the flag. I went and bought a staff on the right hand side going down Holborn. When I came to the Lincolnshire public-house, the committee were all assembled. This was the

morning of the 15th. We found the staff not long enough, and we went to a carpenter's near the public-house, and bought one, and brought it back to the public-house; it was approved of. I left the house, about half-past eleven, to go to Spa-fields. Preston, Hooper, and Thistlewood, left the house with me. The Watsons were at Bouverie-street hotel with Hunt. Old Watson had gone with me to get the staff; the Bouverie-street hotel is close by. I carried the colours in my bosom, and the staff in my hand. We walked all the way, and when we got to the fields, we sent Crisp to get a coach, and gave him the staff; the coach was first brought to a public-house close by the fields. Hooper and Preston got in, and Crisp on the box. The coach drove towards Merlin's Cave. Four of the committee, Thistlewood, Hooper, Preston, and myself, were at Merlin's Cave. The two Watsons came with Hunt. Hunt got on the roof of the chariot in which he came; I got on the box of Hunt's carriage; Thistlewood was on the box at the same time. Thistlewood desired me to hoist the colours; I tied them on the staff handed me by Crisp. There was a large assembly then round Merlin's Cave; Hunt addressed them from the top of his carriage, and then proposed to go to the window of Merlin's Cave. I handed the colours into the one pair of stairs room. One Clarke, I understood, was chosen chairman. Dyll was there; he was not chairman. Hunt named Clarke; it was not intended that Dyll should be chairman. Hunt addressed the populace from the room. Hunt proposed an adjournment to a fortnight after the meeting of parliament. Thistlewood desired me to tell young Watson to tell Hunt, to move an amendment to adjourn till Monday fortnight. Watson told Mr. Hunt; and he, or young Watson, moved the amendment; it was proposed, and unanimously agreed to. After the business was over, we all quitted Merlin's Cave; I got into the hackney-coach with Hooper, the two Watsons, and Thistlewood. I showed the colours from the coach-window. The horses were taken off the coach, and I was drawn along by the populace. We ran against a wall. We then walked to Bouverie-street hotel, where Hunt was; we dined together there, all but Preston, with Hunt. I and Hooper came away together; I went afterwards to Thistlewood's house, on Sunday, with the colours, and delivered them to Mrs. Thistlewood; she was folding up newspapers with advertisements, when the meeting was to be called again. This was on Sunday, the 17th; I saw Thistlewood directing several to different manufacturing towns, Sheffield and Birmingham, and numbers of places, to be sent by the post; they contained an account of the last meeting, and advertisements of the next meeting. I was present when the father gave them to the son, with directions to put them into the post. A hand-bill was drawn up at Greystoke-place, that Saturday, for the next meeting, the elder Watson drew it up;

a paper was drawn up by the elder Watson, calling upon persons to subscribe to the expenses of the next meeting, as nearly the whole of the expense of the past had fallen upon one or two individuals. Every paper Thistlewood could find was destroyed when done with. Thistlewood frequently reminded Doctor Watson of not having papers about him, as, if any thing was found on our persons, that was the only thing which would discover us. Once, in particular, Thistlewood burned some songs of the Doctor's in my presence. This is the advertisement in the *Statesman* which Watson drew up; it tallies with what I heard read:—"London, Wednesday, November 20th, 1816. The expenses (which have been considerable) of convening the meeting on the 15th instant, having fallen particularly on one or two individuals, and as other expenses will occur, to promote the cause of Parliamentary Reform, and immediately bringing together united ability and integrity, to relieve the calamities of the nation, subscriptions for that purpose are received by the treasurer, Mr. John Hooper, No. 9, Greystoke-place, Fetter-lane. Signed, Thomas Preston, secretary."

The witness then proceeds; "On Monday, the 18th of November, I, Hooper, and Preston went about for subscriptions; we got about two pounds the first day; we went about the second day, and every day, till the meeting took place. The money was paid over to the elder Watson, in the presence of the whole committee. In the interval, between the first and second Spa-fields meeting, we went to the gunsmiths' shops, to see what ammunition and so on there was; particularly about the Tower; we went also to the premises of persons who supply ships, to see what ball, cannister and grape there was; we did this on five or six different days; we looked at two or three gunsmiths in the Minories, in particular, and oil shops, and where there were combustibles, oil, spirits of wine, &c.; we made our report to Thistlewood; we met in committee daily, and communicated what we had done. Towards the close of the month, I called, with both the Watsons, at different times, on Mr. Keenes. I went to the Tower with Thistlewood, walked all round the Tower, and went into one of the canteens used by the soldiers, and gave the soldiers some beer and some bills, for the second meeting at Spa-fields. This is one of the small ones; I distributed some of these, and gave the soldiers drink. I went to the Tower three or four times, between the first and second meeting; once with Thistlewood, the other times with young Watson; we had bills all the times; I distributed a great many in and round the Tower, along the water side; I showed the soldiers the cockades twice, red, white, and green, in one of the taps: about half a dozen were present; a number were coming in and out. I asked, if they would like to work for a master who would give them double wages, or to be as

they are; whether they would sooner fight for a big loaf, or a little one; those people we were drinking with might hear what passed. Our committee met once or twice every day, or every night, for reports; we discussed our plans at these meetings; after being at the Tower, we reported what we had done, and how we found the spirits of the people; every thing was reported regularly. Thistlewood, or the elder Watson, proposed, that if we could get a couple of hundred young women together, and dress them in white, for them to carry the small flags and cockades; or if we had money enough, that we should dress them all alike, to take off the attention of the soldiers, that they should not ride over us, the committee heading the mob. I called on Keenes, once with the elder, and once with the younger Watson; he was chairman of the Spencean society at the Nag's-head; we asked how long it would take to make us six great coats; we asked him to attend and dine with us, at No. 1, Dean-street: Watson had taken lodgings at Dean-street, Fetter-lane, to avoid being discovered at Greystoke-place. In the last week of November, we went over Blackfriars-bridge to the New-cut, to Westminster-road; we went there to hire a waggon or stage, to deliver speeches from at the Spa-fields meeting; we found a man, who said he had a mountebank stage to sell; he asked eight pounds for it; Thistlewood offered two pounds for the loan of it for a few hours; the man would not let it go, unless it was sold, and he had the money; Thistlewood said, in a little time he would be glad to give the whole of his carriages for nothing; we went afterwards to several places: I was desired by Thistlewood to get a waggon; I went to one Ware, who recommended me to Windemude, who had one; I went to the Ship, and sent for Windemude there. I applied for a waggon, to deliver a few speeches in Spa-fields; he asked three pounds, and three shillings for the boy's clearing it out; I was to let him know the next day if I would take it; I saw Thistlewood that evening, and reported what I had done; he approved of it, and told me to go and take it, and pay the deposit, out of money I had belonging to the committee; I did so. On Friday, the 29th of November, I and young Watson went into the Strand, to look to the arms, guns, pistols, and sabres, hanging up at Exeter Change, and at the gunsmiths' shops opposite; I looked at several shops, and one where there were a great many swords, knives, and carving knives. I went to the Savoy, and among the people working at the new bridge we delivered our bills out, and invited all we could find; and the same at the Fox-under-the-hill. I went to the tap or canteen at the Horse-guards, and saw soldiers there; we asked them (Watson junior spoke) if they had heard any news, the soldiers asked what news; we said fifty thousand Russians were coming, thirty thousand of them were landed at Woolwich; the soldiers said they did not think that

government had sent for Russians, for if they could not depend upon them they would very soon despatch the Russians, and not suffer them to domineer over them. As we were coming out we met an artillery man, dressed in blue, and asked him if he had any orders for Monday next, and if he had heard of the meeting; he said he had no orders; I gave him several bills and desired him to distribute them among his companions, the soldiers, when he got home; I asked the soldier to drink gin and water with me, he refused. Watson the younger and I then went to Ware's; Ware lives by Horse-ferry-road. I found there a serjeant of the Guards; I conversed with him about the meeting, but he did not seem to wish to have any conversation about such things; I gave Ware some bills; he stuck large placards in his shop. We then went to the Ship in Horse-ferry-road, and sent for Windemude there; I agreed with him for the waggon, and gave him ten shillings as a deposit; I gave him directions as to the time and place, and promised to see him again on Sunday night with further directions. We went afterwards to a smith's, Maudsley's, by the Asylum, Westminster-road; we went to a public-house near Maudsley's manufactory, eight or ten men were at their dinner; we distributed bills to them; we had received twelve shillings and sixpence subscription from them before; they promised to come to the meeting. We went afterwards to Dean-street, Fetter-lane, Watson's lodgings, and saw all the committee there; we reported what we had done about the waggon, which was much approved of. At No. 9, Greystoke-place, a weaver came, and brought some tri-coloured ribbon, green, red, and white; Watson paid him something more than two pounds, at tenpence a yard; I had three or four yards of it. The committee met again on Saturday morning, the 30th, at No. 1, Dean-street; Thistlewood said, what were we to do for arms, for pistols, sabres, and short dirks? Young Watson said he would go and purchase them; five pounds was given him by Thistlewood for that purpose. Thistlewood said they should only want half a dozen pairs, for if we got the better for two hours, we should have arms and ammunition, and every thing we wanted. We then separated to go our different rounds, Hooper and I to go towards Paddington, amongst the navigators, to invite them to the meeting on Monday; we had bills, and distributed them as we went along; we saw the navigators, and came back; we advised them to come in as large a body as they could; a great many promised to come. In my return, I observed a brass-barrelled pair of pistols at a Mr. Flint's, they hung outside the door; I asked the price; Hooper was with me; I bid him eighteen shillings, which he agreed to take; I left a deposit of two shillings. Hooper and I returned to Dean-street; we found Thistlewood, the two Watsons, Preston, and Keenes, that was the first time of his being

there; I observed two or three pair of pistols lying on the table; young Watson was casting bullets in a mould he had bought for the purpose, of the size of the pistols; young Watson said he had given twenty-eight shillings a pair for them; I said I had bought a better pair for eighteen shillings; Thistlewood said, why did not I bring them with me; I said I had no money, I had left a deposit of two shillings for them. I said, I had seen a pair at Flint's which I could have cheaper; a short sword and dirk stick lay on the table, which I had seen in the possession of Dr. Watson before; such a dirk stick as that. There was some talk about a sword, and two short ones; I was desired to go to Stacey's and buy them; I went and got a long sword, a short sword, and a brace of pistols, from Stacey's. I then went to Edgeware-road, and paid the remainder of the money, sixteen shillings, which, with the two shillings, made eighteen shillings, and had the brass-barrel pistols; and agreed to give twelve shillings for another pair, one of which was broken in the guard; I left a deposit of two shillings. Thistlewood gave me another one pound note, and bade me fetch them next morning. Watson said, we have brave news, my son James has brought news; he can bring fifteen thousand men himself, and has heard where there were fifty thousand stand of arms belonging to the East or West India Company. Thistlewood said, then we must alter our plan; that young Watson should go down to Wapping, and Preston to Spitalfields, on Monday morning early; Preston was to get as many from Spitalfields as he could; as he was sure that he could get as many as fifteen hundred; Thistlewood said, that they should go down early in the morning, to get confidential men to make them captains, or give them the hint what was to be done. Young Watson said, but all the old soldiers want commissions, what are we to do with them? Thistlewood said, you must do the best you can, for we must all fight, and hard, till we get the best of it. I was to go to London Bridge, to meet the smiths, as I was best known to them; I am a smith; I was to collect all I could, and proceed to Tower-hill, where I was to be met by young Watson, when we were to attack the Tower; and if the soldiers would not let us in by solicitations we were to take it by storm. There were several who had seen us before, and we thought we should get in without any difficulty. We were to offer them a hundred guineas down, or double pay for life, which they chose. Our pistols were loaded, the colours and cockades were then in Thistlewood's possession, I went to Greystoke-place; there Dr. Watson was to write the inscription on the calico. I saw the inscription, "The brave soldiers are our brothers, treat them kindly." He said that would have a great impression on the minds of the soldiers. He took the calico to No. 1, Dean-street. I took the brass-barrelled pistols with me which I had bought of Flint; Hooper a

boxes of pistols, which he had produced at the meeting as his purchase. On Sunday the 1st of December I went for the pistols, for which I had deposited two shillings, paid the remaining ten shillings, and brought them away. I went on that Sunday to No. 1, Dean-street. I took Richard Angel with me, whom I had employed to make the staff, and paid him three shillings. On my arrival, I found young Watson there, and gave him the pistols; and young Watson put them into a cupboard. Hooper, Preston, the two Watsons, and Angel dined; Keenes came when dinner was nearly over. Thistlewood did not dine; he said he was going to have the two Evans's to dine with him at four. This was at one o'clock. I was called out by young Watson and Thistlewood into the yard at the back of the house; young Watson said, 'What do you bring that stranger here for? how do we know that you do not bring him to betray us?' I got Angel away. I was to return to No. 9, Greystoke-place; I went to Greystoke-place; I met the elder Watson, Thistlewood, and Hooper. After reprimanding me for bringing a stranger, the remainder of the arms was produced, and divided amongst us. The flag, and about six cockades were delivered to me. Thistlewood returned. All the committee were there but young Watson and Preston. Thistlewood gave me two one-pound notes to go and pay the remainder of the money for the waggon. The plans were arranged for Monday morning. Thistlewood and old Watson, Keenes, Hooper and I were to go with the waggon from the top of Chancery-lane to Spa-fields; the colours and banners were to be put into the waggon, and Hooper was to have the charge of them; young Watson, and Watson the elder, and Preston had speeches prepared. Young Watson, and Preston were absent; all the rest of the committee present. Thistlewood said, if he found the spirit of the people ripe, that he should then jump down." This was his statement of the measure to be adopted at the meeting on the second of December, as it had been previously for that of the 15th of November—"and head them before Mr. Hunt came."—This appears, by the evidence of several witnesses, to have been acted upon on the 2nd of December.—"It was arranged for us to meet at eight o'clock precisely at the Black Dog in Drury-lane; Hooper, Keenes, Thistlewood, the elder Watson, and myself. I went to the Ship public-house, and paid Windemude two pounds more. I appointed the waggon to be at the top of Chancery-lane. It came accordingly. I gave Windemude a bit of ribbon, and the servant maid of the house some. The next morning, the 2nd of December, I went to the Black Dog. I found Thistlewood, the elder Watson, Hooper, and Keenes there. I inquired for young Watson and Preston, and was told they were gone to the Minories and Spitalfields to collect all the men they could. Pistols were produced there, Thistlewood said, if any magistrates or officers

interfered, we were to shoot or run them through; that he did not mind the civil power, if he could keep off the horse soldiers. Sixty or seventy bullets were put into an old stocking, and given to Keenes to take to the waggon. Hooper and I found the waggon at Chancery-lane, with Windemude and two boys. Hooper and I went to my lodgings for the flag; I tied it on the staff, and deposited it in the waggon in the charge of Hooper. I rolled it round the staff. I then went to No. 1, Dean-street, where I found Keenes wrapping up the banner in two old blankets; it was made of calico, stretched on a frame. I then went to London-bridge to meet the smiths, as I had been ordered; I found none there; every thing was quiet. Then I went to the Tower; I found the gates shut, and an extra sentry on. I went to the soldier, and asked him why the gates were shut up? he said, on account of the meeting. I then went to the Bank, and found the gates shut up. I then went to Little Britain, near West Smithfield. I there heard a great shout. The first persons I saw were Dr. Watson and Thistlewood. I asked Watson where his son and the rest were; he said, 'To the Tower, Jack, to the Tower, or else we shall be too late.' They went on towards Lad-lane and the Tower, and I lost sight of them; I saw Keenes soon after. Dr. Watson had a dirk stick in his hand, but not drawn. Keenes and I got into Cheapside; Keenes told me what had taken place in Spa-fields; he said, he was afraid he had left the blankets and balls in the waggon. I met Mr. Hunt going in the direction for Spa-fields; he was in his tandem. I went through the city towards the Tower; I saw young Watson close to the Bank, at the back of the Exchange; the mob were with him, he had a sword drawn."—According to this evidence, young Watson had his sword drawn; that certainly is as clear and manifest an act, indicating, a purpose of levying war, as has been usually disclosed in any trials for high treason.—"He was encouraging the mob to follow him; there were two hundred men and boys, some were firing in the air; I spoke to him; he went towards Bishopsgate-street, and into Bishopsgate-street. I met them again at the lower end of Houndsditch by the Minories; young Watson was still at the head of them. He went to a gunsmith's which we had looked at before, and rapped very violently, but could not gain admittance; he said, he knew where there was another gunsmith's and bade them follow him. The shop was broken open, and all the arms brought out, guns, swords, pistols, and pikes. Young Watson was close to them by the door; the elder Watson, Thistlewood, and Preston, were all there; the elder Watson had a dirk in his hand, drawn; Thistlewood had a pistol; Preston was there, but I did not notice whether Preston had arms; I saw young Watson, with a sword drawn and a belt round him. The mob went to another gunsmith's lower down, that was broken open;

two small brass field-pieces were brought out, and also guns, swords, pistols, and ammunition. This was close by Tower-hill, within a door or two; Watson the younger, Watson the elder, and Preston were there; there were some sailors in the mob; the mob fired in the air: the elder and the younger Watson bade them save their ammunition for something better, and not fire it away in waste. One of the sailors began to sponge the field-piece. I saw Thistlewood and the elder Watson go as close to the rails of the Tower as they could get; they seemed addressing themselves to the soldiers across the ditch. I was not near enough to hear what the conversation was; I was behind them, and thirty or forty yards from them. There was a great noise on the hill, I was in the midst of it; I was not above twenty yards from the nearest gunsmith's shop. They returned up the Minories to go to Spa-fields to get a greater force. Thistlewood had a long brown great-coat, a blue coat under it, and small-clothes and top-boots; both of them were addressing the soldiers, they stood side-ways to me; they were surrounded by very few people; they addressed themselves to the soldiers on the Tower; there were as many as forty or fifty. One of the wheels of the small field-piece came off; on the appearance of some soldiers on the Minories, the greater part of the mob threw down their arms, and ran away; I walked forward with them, as if I had nothing to do with it, till the soldiers had passed me; I stopped till near dark, then I went to No. 1, Dean-street, and at six or half-past six found the two Watsons, Thistlewood, and Preston; the elder Watson began packing up his linen and papers, as if going away. I inquired where they were going? Thistlewood said, they had a house prepared in the country, and we should hear from them in a day or two. I asked where Hooper was? they told me he was taken with the colours, and some of us must expect to be taken. He said, we should hear from them in a day or two. I asked, if they had shot any body? young Watson said, he did not know. Thistlewood said, he was perfectly satisfied now, that the people were not ripe enough to act. The two Watsons and he went away together about seven or half past six; whatever was left, Preston's daughter was to take away to No. 9, Greystoke-place, and the key left with Preston."

The cross-examination of this witness took place on the next day. Then he said, "I am the John Castle described in the list of witnesses. I have not conversed with any body about my examination yesterday, nor read it. I have been a prisoner since the 9th of February on a charge of high treason, the same high treason which the prisoner Watson is tried for. I was committed, I think, on the 9th of February; I was arrested on Sunday morning the 9th of February. I have not a promise of pardon, nor have I committed anything requiring a pardon; I have had no pro-

mise of pardon. I was not referring to the matters now in question. I communicated every thing when I was brought to the Secretary of state's office, and there was no promise of pardon directly or indirectly made to me. Mr. Nodder told me, that the charge of high treason against me was withdrawn; but I never applied to be let out of custody. I do not know who have been examined on this trial; I have seen Bentley, but not talked to him in going to the grand-jury room. I went in custody of an officer to the different public houses. I went to Raisdell's or Randall's, and to two public houses at Paddington, not to the canteen. I know the brother of Crisp, one George Crisp; I met him by accident; I did not tell him the situation I was in; he did not know, as far as I know, that I was in custody. I told him, that I wanted to see his brother; but that if he would go to Mr. Stafford, he would speak to him about a petition that he wrote for Doctor Watson and me. I desired George to communicate this to John Crisp; nobody had desired me to do so; I sent him to Mr. Stafford on my own account; I told George it would be to John's advantage, if his brother were not in employ. I went to the Tower to find out a man who was at the public house when we were treating the soldiers with beer, and when we had shown cockades to the soldiers. We found the man at last; he lived at the sign of the Pumpkin, somewhere by Mark-lane; I cannot think of his name. Mr. Stafford and one Salmon walked round with me. Mr. Stafford was not with me when I saw Crisp; we went to the Stone Kitchen; the landlord had removed to some other place, to the Pumpkin, we found him there; he said he did not recollect any thing of the kind. I told Stafford, we had shown cockades in the tap. We inquired for a woman who went by the name of Old Mary, and a boy. We went to the Black Lion, Vinegar-yard; I asked the landlady if she remembered giving beer about. I never saw the list, written or printed, before; nor have I had one in my hand. She said, she recollected something of the kind, but would call the boy. We next went to Newton's in Long-acre; I asked if he recollected me; he said, perfectly well. I went to the man I had gone to about hiring the stage; I went with Stafford, not to collect evidence. I did not know what purpose he was taking me round for, but only to learn whether those were the people and places I had mentioned; I believe it related to the trial. I am a whitesmith; I left it off, but cannot tell to a year or two when I left the employ; I have done no work at that trade for twelve or fourteen years; I have done jobs for myself in repairing a lock, and so on; not to work for any body else in iron-work. I have left Harwich some time. I was in the figure-making way, at No. 5, Newton-street, making paper dolls, when my acquaintance with the prisoners began. I stated myself to be in great distress, and was so. I

was never under commitment before."—Then he corrected himself, and said, that he meant tried.—"I was at Guildford in Surrey; I was under commitment twice, once at Abergavenny, and the other time at Guildford. I was taken up there for putting off forged notes, uttering forged notes; I was not tried at Guildford, but was admitted evidence against the other; he suffered by the laws of his country; he suffered three or four years ago; the man's name was Davis; he was committed at the suit of the Bank of England. I made no bargain with the Bank. I told the Bank I had been dragged into the business innocently, and would communicate the whole of the business. I knew one Greenaway; I was witness against him, he was with me when I was apprehended. He pleaded guilty, and was transported. There were three of us, I and two others. I do not know my age to a year or two. I am about twenty-eight or twenty-nine years of age. The last person I worked for was a Mrs. Angel, at Doncaster. I worked there from a child. I was born at South-Kirby in Yorkshire. I was committed at Abergavenny, on a charge of taking away a French prisoner. I heard the magistrate say, if the same had been done by a commissioner of transports, he would have committed him. I was acquainted with one Warner; he gave me two letters to be sent over the water to Buonaparte; when I got possession of them, I and two police officers, one Dickins, went to the Transport-office, and saw one Sugden, a clerk of the Transport board there. I gave him the letters. Dickins was sent down with me to bring a colonel Pouvetto to London: colonel Pouvetto would not come away till the beginning of the month following. I came to London and communicated that to Sugden, and I was sent back the same evening by the Bristol mail, to bring colonel Pouvetto from Abergavenny to London. Sugden gave me orders to show to any person on the road, if I was attempted to be stopped. I went down, and was apprehended with colonel Pouvetto, he having come away with me. I got a cart by colonel Pouvetto's desire. I do not remember the magistrate's name. I was told that colonel Pouvetto was an artillery officer of eminence in Buonaparte's army. The first time I saw him he gave me the letter; the magistrate committed me, though Sugden's letter was produced, because I had not an order for his coming away. Warner was confined in Bridewell for getting prisoners away. I went to Tothill-fields, Bridewell, to see Kennett, Kennett referred me to Warner. I was desired to take those two letters out for Warner; he is now, I believe, in Kent; those letters led to the plan I have since stated. Mr. Dickins was to go down with me to Abergavenny; I know nothing of the time. When I had the conversation with Watson at my lodgings, I desired the person who was in the room to go out. I do not know my wife's age. I have had three or four children, four children; she

is in Yorkshire. My children died three or four years ago; the eldest would be ten years old, if he had lived. The mother is living, she lived with me as my wife. I was married at Dover-court church, near Harwich, ten or twelve years ago; her name was Prickett. I have lived with another person since. My real wife was in the room when Watson called. I was never married before I married Mrs. Prickett, I lived formerly at Mother Thoms, in King-street, Soho; she kept a lodging house for females; it was let by the week; Mother Thoms's was not an house of ill fame let for an hour or half an hour, it is an house for young women; but I do not believe that it is for the purpose of prostitution. I lived there as her husband, not as a protector or bully. She let her lodgings at so much a week; she let three floors to three different women. There was no room for chance customers. I never interfered with the letting of the rooms, nor took notice when people visited; they took lodgings and paid for them. I neither paid or received. I believe they were let out for the purpose of prostitution, but I know nothing of that. My name is on the door and has been for a year and a half; it is there now with a plate over it; it is not legible on the door; I have not been that way for eight or nine months; Mother Thoms is dead; I sent my wife into the country by Doncaster to see my friends; I know a young woman, one Streeter, daughter of a baker at Brighton; she is about seventeen years of age I believe, but I do not know her age; I have been twice at Brighton. On the 2nd of December I proceeded to London-bridge; I went between eight and nine to the Black Dog; and from thence to meet the waggon at the top of Chancery-lane, between nine and ten; I put in the colours; I do not know who put in the powder; Keenes took it from the Black Dog; Keenes was called by no particular nick-name; there might be half a canister of powder, fine powder; it was a small cannister, and looked like a pound cannister; I tied up the balls in a stocking foot; there were two or three small cartridges of slugs and sixty or seventy bullets; I brought nothing personally to the waggon but the colours; I went to the Tower about half-past eleven o'clock; I was told by the sentry that there was no admission there; I did not go to Spa-fields; I assisted Keenes, at No. 1, Dean-street, in wrapping up the banner in blankets; I do not know the name of the person the smiths worked for over the water; there were smiths to have been met but I saw none; Watson and Preston had been several times with me to the place where the smiths got their dinner; I know the name of none; finding no smiths, I went immediately to the Tower-gate, and finding every thing quiet I made no speech to the soldiers; I had been with them in the Tower before; I did not harangue them; they shut the gates in consequence of the meeting. I went up the Minorities, and went then to the Bank and

by the back of the Bank and Lad-lane to Little Britain; I met Mr. Hunt in Cheapside, near Bow church, about twenty minutes before one; I told him that Watson had gone with a party of men from the field to the Tower, and asked him why he was so late; he turned to the clock and said, it wanted twenty minutes of one, and one o'clock was the time he was to be there; he immediately drove off. I had no other conversation with him; I never told him that I was just come from the Tower, and that the Tower had been in our possession two hours, nor did I give him to understand that the people had got the Tower; he was coming in the direction from the Mansion-house to Spa-fields; I desired Mr. Hunt to make haste to Spa-fields; he drove off, and did not stay a minute; I was walking towards the Bank, and going down to the Tower; I had met Watson, Thistlewood, and Keenes, and they told me the younger Watson was gone to the Tower; I saw a dirk stick in the elder Watson's hand at the time. When I went to the Tower, I went with Keenes to Mark-lane, and had something to drink; I saw young Watson at the Bank with two or three hundred men and boys; they were then firing in the air; I bought two pair of pistols and two swords; I bought no other arms; I endeavoured to hire a stage or waggon; the man would not let it. He offered to sell a mountebank stage for eight pounds; Thistlewood had desired me to get a stage, and was with me at the time; the stage was mentioned by accident, when we were going after a waggon; the arms were divided and dispersed among the people for the 2nd of December; there were no arms but what I mentioned yesterday, except only an old sabre. The meetings at Greystoke-place were most days once or twice, and at Dean-street also; the people took in money there; young Watson collected money; ten pounds came at once; I cannot say the amount to a few pounds, there might be thirty pounds collected but I took no particular account of it; when Harrison withdrew we were alarmed and resolved to change our place of meeting; I saw Harrison; we met that night at the Blue Last; we could not converse in private, and we came to Greystoke-place at a late hour; when Harrison withdrew I introduced Hooper. I did not advise Harrison to withdraw, as being suspected; I brought Angel to dine at No. 1, Dean-street; he was not a stranger to Hooper but he was to the others; I invited Angel to the last meeting; I had endeavoured to prevail on Angel to join our meetings, but he declined it. I desired several other persons to join our meetings, and every body I could light on; I asked the two Crisps to join our public meetings, one did. I invited many persons to attend at Spa-fields meeting; I reported every night, and sometimes twice a day; I made a correct report; I never exhibited a list of persons I could get to attend; I said I would get 500 smiths to attend; I did

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not see any of them; I cannot say whether any did attend, or none, I saw none; I saw nobody whom I had invited to attend; I met the crowd, but was not at Spa-fields; I went to public-houses with tri-coloured ribbon; I showed it in the Tower, in the Stone-kitchen, in the open room. I went with it in the inside of my hat; I showed it in the tap-room to seven or eight persons; a soldier said it was a pretty colour; he said nothing else particular; I paid for two or three pots of beer, and was asked by a soldier to lend him sixpence; I lent him a shilling; I then went to the tap near Drury-lane; nobody but soldiers were there, but any person might come into it; Thistlewood and I and the two Watsons had a great quarrel with a servant in livery; the younger Watson spoke of liveries as marks of disgrace; the gentlemen's servants, one of whom was in livery and one not, offered to withdraw; I went to dine in Bouverie-street on the evening of the 15th of November, the day of the first Spa-fields meeting; there were present the two Watsons, Thistlewood, Hooper and myself, Mr. Hunt, and Mr. Clarke the chairman, and two or three other persons. I went after the meeting, knowing the place where Mr. Hunt put up; I staid probably till six or seven o'clock; we were to defend the Bank, when we had got in, by any thing we could get hold of, bricks or tiles to throw from the tops of the adjoining houses, and from the Bank, we were to get glass bottles from those who had them in their houses; Mr. Hunt said he had not seen the colours distinctly at Spa-fields; I gave a toast at Bouverie street, may the last of kings be strangled with the guts of the last of priests; Hunt desired me not to be quite so violent, and stopped me; that is all he said; there was nothing said about turning me out of the room; I never gave any other toast; I do not remember Mr. Hunt saying, that if I was so violent he must leave the room; he might say so; I do not recollect falling asleep, nor pretending to be asleep; I think I was not asleep, nor shammed sleep. Mr. Hunt did not invite us to Bouverie-street to dine, but asked if we meant to dine; I went in, finding Thistlewood, the Watsons, and Hooper there; he did not invite me to the same table with him; I did not ring the bell to ask what we could have for dinner; I do not know whether Mr. Hunt reproved me about the soldiers, or upon any subject but the toast; there was no violence about the soldiers; the king's health was left out of the question, it was not drunk; I never heard it drunk; I told Mr. Hunt I had assisted in getting a French officer out of the country; I did not mention the sum I got; many knew I had been taken up with a French officer; I never said I threatened to shoot the French officer for not getting on fast enough; I mentioned that it was Lefebvre Desnouettes. I do not recollect saying whether I did assist in getting him out of the country; nothing was mentioned about it, that I recollect; I

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had taken rather too much wine and spirits; nobody but Mr. Hunt admonished me, that I recollect. I was in liquor at dinner after the first Spa-fields meeting; I was the worse for it both before and after dinner; before the meeting on the 2nd of December there was a plan to burn the barracks; it was given up on account of Harrison's withdrawing, and not getting a house; fifteen pounds was wanted for fixtures and rent in advance; the gentleman would not give up the key, and it was too late to look for another house; the combustibles were not bought; Watson said it would come to about a hundred pounds; Thistlewood said twenty pounds should not be spared; the combustibles were to be placed in the avenues of the barracks. It was the plan of Thistlewood and the elder Watson to have set the six avenues on fire at once; the soldiers were all to be stifled and smothered; we gave up burning the barracks; if Harrison had not withdrawn, it might have been carried into effect. The plan was to be this; Thistlewood and young Watson were to call their men together, at the bottom of Gray's-inn-lane, at a given hour; and the elder Watson and I were to have the two or three hundred men up at Watson's house, to divide the combustibles, to set the barracks on fire at a given hour; we were to take the horses off, and to make the coachmen join us. It was to be on the Saturday night and Sunday morning; as there would be a great number of drunken people about; the horses were to be mounted by those who could ride, and form a cavalry. The end of Oxford-road was to be guarded with two field-pieces; Harrison being an artilleryman was to command them; the right-hand side of Oxford-road was to be barricaded with carriages. Hooper is a shoemaker. Preston and Hooper both told me they could not ride; Preston was lame, but he said on such an occasion as that he could walk fast enough. Piccadilly turnpike-gate was to be chained; we were to use any thing we could get at to blockade with; the whole of the spikes fixed in the wall were to be taken down, and used to barricade; we were to get possession of London in two or three hours; the alarm would be general at that time; the soldiers were to be smothered in the barracks. We found we could not do any thing at the Knightsbridge barracks. If the soldiers galloped from the barracks, the field-pieces were to have played on them; a party of pikemen were to be there, and a field piece or two placed in the Green park; the whole of the artillery were to be got from St. John's wood barracks; the infantry barracks, on the left-hand side of Knightsbridge, Thistlewood and myself had been to and found we could do nothing with them. We had formed a plan to prevent the artillery coming up from Woolwich by water, and to have sent out to the ships at sea, to inform them there was a new government established, and they were to come home for fresh orders; there were only

six in the committee; they were all to be generals. I have gone by the name of Jackson, after the second Spa-fields meeting; Angel thought it more prudent I should go by the name of Jackson; I took and paid for lodgings in my own name, No. 19, Prince's-row, Newport-market, Hooper being apprehended; I never lived by Carnaby market. We calculated on forty or sixty pistols and sabres, and dirk sticks in the Strand and Exeter Change; we saw more than twenty sabres there, and guns, pistols, &c. at a shop close by. One of our reasons for giving up the blockade plan was, that we could not get sufficient together without calling a public meeting. I had known Keenes by seeing him several times at the Spencean meetings. Watson began conversation by talking of oversetting the government. He had seen me, but had not, I believe, spoken to me before the first night he talked to me of a plan of oversetting the government. I first disclosed the transaction on the 6th or 7th of January; I was taken up in February; I was in the room at the first Spa-fields meeting; I do not know whether there were magistrates there. I put my fist in the face of a person, I cannot say whether he was a magistrate, at the first Spa-fields meeting; I was told afterwards that he was a magistrate; he was going to shove me off the table. I saw the police officers at the first Spa-fields meeting, several were there; I do not know whether the magistrates were there or not; I gave the flag to a person up stairs, in sight of the police officers and the person in whose face I put my fist. I never heard that the room was taken by the magistrates till now; I went up stairs after I had given the flag; the room was nearly full; I never heard of the magistrates taking the room, or being there; I did not know who had taken the room, nor whether any persons had forcibly gone up before I had gone up; I did not see whether the frame was taken out of the window; I could see Hunt speaking; the flag was then hanging out; he might see it, but not the inscription on it. There were five or six thousand people about Merlin's Cave; it was said there were fifty thousand; I thought there might be fifteen or twenty thousand, going or coming; I know Mr. Dyall, not Mr. Clarke; I took the flag with me to Bouverie-street hotel, and kept it till the Sunday morning before the second meeting. I do not know that I was known to the police officers; Mr. Stafford has paid for my dress, I have had it about a month or six weeks, Mr. Stafford paid for the whole of my dress, and my pocket-money was given me by him; Mr. Stafford furnished the money for my wife going out of town, five pounds in the beginning of February; the reason for sending her out of town is best known to myself; nobody suggested it to me; I never communicated my affairs to her; she might verify the fact of being desired to go out of the room when Watson came; she could not have stated where I was at different times. When Preston

was taken by the lord mayor, some rent was owing; I took away an old table and a bed, which Watson had given the committee, with Preston's daughters; I took them to my lodgings, having nothing else to support me. Thistlewood had promised me, that if any thing happened I should have sufficient money to take me out of the country; I know nothing of the key of the house in Hyde-street, Bloomsbury; I was not there more than three or four times with young Watson; I have since heard that some pikes have been found in the privy; Nodder, the keeper of Bridewell, told me so."

On his re-examination, he said, "I never heard it till Nodder told me, after I was in custody; I never was out of the house after young Watson and I carried the pikes there, except on Tuesday and Wednesday after the Spa-fields meeting, I went to assist the elder Watson in removing his things to Greystoke-place; it had been agreed that the soldiers should have the hundred guineas when we got possession of the Bank; we expected to find money there; it was talked of by all six of us; all the bank notes were to be destroyed, and nothing but cash circulated; the plate was to be taken from all the noblemen in the kingdom, and coined with a cap of liberty on it; this was settled the first Sunday I was there. Every general was to have a book, and to give an order on Thistlewood for the guns; if the gunsmiths would let us have them, they were to have checks for them; if they would not let us have them, we were to take them by force; no book was prepared; Somerset-house was to be the head quarters; what money we had came entirely from Thistlewood."

The next witness is Ann Wright. She says, "I keep a public-house, the King's Arms and Golden Anchor, in East Smithfield. In December last, and before that, one Atkins, who is since dead, lodged at my house. The prisoner Watson, on the day of the riots, the 2nd December (Monday) came to my house; Atkins was then in the tap-room; it was between one and two o'clock. Watson went into the tap-room, and shook hands with Atkins. I drew them a pot of beer. Watson said, he would go into the tap-room, where he could speak at free liberty. I heard him say, 'Come on, my brave boys! if you had but followed me, the Tower would have been in our possession before now.' We were just going to shut up, from what we had heard from the Minories; he did not stay above ten minutes. He went away by himself; he had a great coat on, and he had a stick, which he flourished about in a noisy manner. I had seen young Watson several times at our house with Atkins."

On cross-examination she says, "He went into the tap-room with the pot of beer in his hand; it was when the parlour-door was opened, and he saw who were there, that he said what he did about speaking with free liberty. The people in the parlour belonged to the London Docks. In the tap-room there

were seamen; nobody went out with him; Atkins staid in all day. I had never seen that Watson before; we go across the passage to the tap-room; I have never seen him since till yesterday; I mentioned this before Christmas; they came to me three or four times during Atkins's life. There is a man who was in the tap-room at the time who is here. I have seen sailors, chiefly strangers, pass that way; I saw them passing the bar a quarter or half an hour afterwards. I know that the tap-room was full of people; the general customers are sailors in the tap-room, and London Dock people or people of better condition, go into the parlour. This man whom I allude to, William Miller, was there."

Then William Miller is called; that is the man whom she recollects to have been there. He says, "I am a seaman; I remember the day of the riots, the 2nd December; I was at Mrs. Wright's that day; I remember a man coming in, and talking to Atkins. He said something about the Tower; he said, if they had been of his mind, he would have had the Tower in his possession."

On cross-examination he says, "I never saw the man before; it was in the afternoon, betwixt two and three, after my dinner; I had not been at work; it was not beginning to be duskish—not so late, I think, as four or five; several people were in the room, whom I did not know; there were a great many sailors there; we were talking about the riots in the Minories, just about that time; I attended that house; the better sort of people go into the parlour, and the inferior people into the tap-room."

Zaccheus Bannister says, "I lived in Hyde-street, Bloomsbury, in December last; I knew Watson, the prisoner; he took a small shop in front of my house, for his son; not an apartment, but a small shop, with a key to the door of the shop, and a latch-key to the outer door; the younger Watson, I believe, slept there; I never saw the inside of the shop when Watson had it. Vickery, the officer, came to my house to make a search, in December, on Thursday the 5th; I believe he came to inquire if a person named Watson lived there; I saw him turn over every thing in the room, and take away papers; Vickery forced the door; I had not the key of it; I believe Watson junior kept the key in general." The key being shown to him, he says, "I believe this is the key; this appears like the key of the shop door, not of the street door. Vickery came again the 5th or 6th of March; he had been there again, I believe, on the 12th of December; I remember his coming in March, and the privy of my house being searched; I was present then, when something was found in the privy: it was quite emptied; iron pikes were found there; no pikes were put there between the 2nd of December, and the time when they were found; I had never seen them before; I saw Watson last there about the 18th or 20th of November."

I saw both then; the father had access to the house, and came with the son; I had never seen the pikes before they were found; the premises were taken by the father for the son; I believe this to be the key; there were several other persons in different parts of the house: the privy in the yard is common to the whole house; persons can go into the yard through a passage from the street, without going into the shop; I do not know that the son slept there; they were there sometimes at nights; I do not know that either of them slept there; for a fortnight before the 2nd of December last I saw neither father nor son; it is very improbable that any other person would come to the shop, I having the key; it was a latch-key; I had not had access to the shop after the Watsons were there, before Vickery came; a person from the street must first come into the passage; the outside shutters were usually opened by the younger Watson; they were not opened at all during a fortnight; I did not see them before the 2nd of December; the outside shutters were partly open every day, never wholly; no one had access to the shop but themselves; no person had access to the privy but by the passage."

The next witness is Vickery, the Bow-street officer; he says, "I went on the 5th of December, to Bannister's house, No. 30, Hyde-street, Bloomsbury; the key of the shop was inquired for, but not found, and none could be found to open the door; I forced it; I searched in different parts of the shop, and found some papers there, littered about in different parts of the room; I marked them." A bundle of papers being put into his hand, he said, "these are the papers I found in that shop; I went at another time to make a search, on the 5th of March; I saw Bannister there in the morning; a search was particularly made in my presence in the morning, and at night the privy was cleared; a large quantity of pieces of iron, with a point at each end, were found; they were cleaned and put into a box, and carried to my office; the box was corded and sealed, and they have been in my custody ever since, except two, which were parted with to Mr. Litchfield; they are here." Then he produced the papers. "I counted two hundred, all but two; there might be a few more. I went to search on the 5th of December, and found papers then in the shop, in the front of the street; the papers were tossed about; some were in an old box, but they were all in confusion; those I selected were some in drawers and some in a box."

Then there are some papers read. The first paper produced is a plan of the machine that is talked of. The next is a plan of the Tower. Then there is a list of names: "Francis Burdett, Thomas Hardy, Samuel Brooks, Charles Fuller, Thomas Evans, senior, G. Harris, Ga. Jones, Roscoe, Walter Faulkes, Thompson, P. G. Waithman, L. J. Thomas Evans, junior". Then there is a drawing of the flag, with the inscription upon it.

[The papers were handed to the jury.]

Gentlemen, to relieve me a few minutes, my learned brother will read to you the continuation of the evidence.

A Jurymen.—We have not yet seen the papers which were found in Watson's pocket.

Lord Ellenborough.—Those you shall have presently, gentlemen.

Mr. Justice Bayley.—Then Thomas Hillingworth says, "I am a servant to Mr. Leach; I was at a public house, Newton's in Long-acre, on the 5th of November last, I was in a little parlour, four men came in, they came in one by one; to the best of my recollection, one of them asked a friend of mine, who was in livery, who made his master a lord? He had a crest upon his button; in a little while they put the same question to me, upon which I explained it as well as I knew how, and after my explanation to this person, they asked me how this nobleman came to be possessed of the quantity of land he had; and then they turned to the servant, and told him he had a right to as much land as his master, and that the time was now fast approaching when he would be as good a man as his master, and possess as much property. In the course of the conversation one of them, I think it was Castle, asked if there was a double guard at Carlton house? I said, no, they said they knew there was; Castle said a double guard would be of no use to the prince regent, the soldiers would not fight for such a government as this, they had seen how merit was rewarded in France, and that now they would refuse to fight as they before had done to support the government of the country. It ended in a quarrel between me and the young man.

On cross-examination he says, "On this evening Mr. Leach was at Drury-lane Theatre. I do not think Castle knew who I was. To the best of my recollection, it was Castle who asked, whether there was a double guard at Carlton-house, and who said a double guard would be of no use to the prince regent; there was nobody by but the four, and the young man who went in with me; none of the Drury-lane guards were there; the young man said, a livery is a badge of slavery. I will not swear that the elder Watson was there, but I think he was. I think Thistlewood was another, but I cannot speak so strongly to his person as to the elder Watson; I saw two of them at the first Spa-fields meeting on the carriage, and I saw Castle there; I recollected them again, one of them got up on the right hand side of Mr. Hunt, and Castle on the wheel; this was before they went into the Merlin's Cave."

John Dyall says, "I know the elder Watson; I believe I have seen Hooper; I know Preston and I have seen Thistlewood; I have known Watson and Preston longest; I did not know them before the latter end of October; I know the public house called the Sun, in Slaughter-street, Spitalfields; I was there on Monday

the 4th of November, I understood there was to be a meeting there at night, I went about seven, and found about two or three persons there; in about a quarter or half an hour I saw Preston come in; I had no money to pay for liquor, and Mr. Preston said, a pint or two of beer would be of little consequence, that he did not like to see a poor man in distress; the two Watsons were there; I understood the meeting was, to petition for a reform in parliament, the elder Watson made a speech; it was a small room, there might be thirty people there; Preston said, petitions had been sent to parliament so often, it seemed to be of no use; I thought it irregular that one of the party should propose a petition and the other oppose it; the elder Watson produced some paper to the meeting, and it was said to be a memorial, the elder Watson read it: I was nominated to the chair, and Watson junior was secretary for that evening. I attended at the same house again, on the Thursday evening following, I did not know where Preston lived at that time; I have been at Greystoke-place, I think No. 9. I had seen an advertisement in the Independent Whig, convening a meeting at Spa-fields on the 15th of November, with my name to it. I saw Preston at No. 9, Greystoke-place; Thistlewood came in and was dressed very much like a gentleman, he was dressed in Hessian boots; this was before the first meeting; I went in consequence of my name having been put to the advertisement, which was without my consent."

On his cross-examination he says, "I am the identical person who was called the green-coated orator at the Brentford election, I am very well known; my name was used without my knowledge and consent, in the first instance; I consented afterwards, but it was with great difficulty on my part; when I met, it was for constitutional purposes."

Thomas Makins says, "On Monday, the 4th of November I went to a public-house, in Slaughter-street. I saw Watson the elder there, and a young man, whom I believe to be young Watson, and Thistlewood. The elder Watson read a memorial, and there was a proposition to call a meeting at five different places; the Carlisle Arms was one. I attended that meeting on the Thursday following, and saw there the elder Watson and Thistlewood. Thistlewood paid eleven shillings towards the reckoning, and the rest was made up by a man whom I have been given to understand was Watson, junior. The landlord of that place is Sheffield. A person of the name of Smith went with me."

Then John Sheffield is called. He says, "I kept the Carlisle Arms. On the 7th of November last, there was a meeting held at my house. I only knew Smith. The man who paid me wrote the name of Thistlewood, Southampton-buildings on the note. The reckoning was six shillings and six pence."

William Smith says, "On Monday, the 4th of November, I was at the Sun, in Slaughter-

street. A person of the name of Dyall was in the chair. I saw Watson the elder there. I was at the Carlisle Arms on the Thursday following. I cannot say that I saw Watson there. After the 7th, I saw men carrying placards on their backs. There were three or four in the Carlisle tap-room. Preston was in company with them, and paid them."

On cross-examination, he says, "I saw Preston give the men some money, but I do not know how much; for any thing I know, it might be something for them to drink. This meeting at the Carlisle Arms was for parliamentary reform. I heard Preston tell a man to roll the placards up, and to meet him the next morning."

Robert Emery says, "I keep the Union, in Union-street, Shoreditch. Before the first meeting in Spa-fields, there were thirty or forty people at my house, but I did not know who they were. One person paid. I do not know who that gentleman was."

James Skinner says, "I have seen the prisoner Watson. I became acquainted with him at the Nag's Head, Carnaby-market, in or near October. I walked with him and Castle towards the Regency Park." This is the person who is referred to in Castle's evidence, as being the person with whom they were in company when they went and looked at the Portman-street barracks, and the King-street barracks. "I went with him and Castle towards the Regency Park, and into King-street and Portman-street, and Hyde Park. There are barracks in King-street and in Portman-street. When we got to them, they stopped; I walked on. They asked me, whether I could ride, and I said, No. One of them said, he had been at the barracks before, but which I do not know; there was a dispute about the entrances into the barracks."

Thomas Osborn says, "I know Castle. I met him a few days before the first Spa-fields meeting. He asked me if I was out of employ, and I said, yes. He told me, he would tell me of a job, and asked me if I could tell him of five or six more. I told him there were several at the Constitution; and on the Monday night he came there with Thistlewood, and treated us with some beer. The Constitution is a public-house at Lisson Green, frequented by working men. Castle directed me to meet him at the Cock in Grafton-street, at twelve o'clock the next day. We went there. There were six of us; and we had a shilling a piece given us and bills put on our backs. We went in, two by two, to have them put on. Mr. Preston and Mr. Castle were there. We took the bills about the streets. This was about a week before the first Spa-fields meeting."

On cross-examination, he says, "There were not many navigators then attending the Constitution. I did not see any. I lodged at the house at the time, but I was seldom there but of a night."

Thomas Wood says, "I am the landlord of No. 9, Greystoke-place. I was applied to

about that house, not quite three weeks before Michaelmas, by the prisoner Watson, to carry on the profession of a surgeon. I let it to him by the week till the Michaelmas quarter began; and then by the quarter. I understood he took the house for himself. I often passed, but never went in. Watson wished me to make an inner door in the passage, which I consented to; but it never was made. There were two rooms on the ground floor, one in front and one behind, and there was a passage. I often passed, and I saw no appearance of business as a surgeon. I wondered at it. I never observed that it was shut up in the day. I never passed it so soon as ten o'clock in the morning."

Mary Apted says, "I had the care of a house belonging to Mr. Cosser in Seymour-place, last November; that is about a quarter of a mile from King-street, and a little more than a quarter of a mile from Portman-street barracks; I recollect a good many people coming to look at it, but do not remember any particular person; I recollect referring some persons to Mr. Cosser about the house; I do not know whether there were many houses to let in that neighbourhood about that time."

Mr. Cosser says, "I am a timber merchant in Milbank-street; and am the owner of a house in Seymour-place, of which Mary Apted had the care; I had many applications for this house in October and November; in the latter end of October, or the beginning of November, a young man came to me of the name of Watson; that young man referred me to Mr. Thistlewood, Southampton-buildings, Chancery-lane; he said, Mr. Thistlewood was a man of respectability and fortune. I went to Southampton-buildings, and asked for Mr. Thistlewood, and was shown up two or three pair of stairs; I told him Watson's application, and that he had referred me to him, to vouch for his character. Thistlewood told me, that Watson was of a respectable family in Lincolnshire; his father was a farmer, farming to considerable extent, and he would be answerable for him on every score. Some person called; I am not sure whether I saw the person or sent a message; the answer was, that I would not let the house; the difference in dress is so great, I feel it impossible to speak to the person, being near-sighted. I cannot positively say that the person I saw is the prisoner Thistlewood; to the best of my recollection, he was dressed in a blue coat and worsted trowsers. The person who called, said it was for an oil and seed shop, for the sale of oil and of seeds; I understood it was for the use of the person applying; I think my refusal was two or three days after I had been at Southampton-buildings."

On cross-examination, he says, "I cannot state the precise day of the application; I cannot be very accurate as to the whole of the conversation; he said, his father was a farmer." The witness was asked, whether it might not be his grandfather, or his uncle, or some other

relation; he says, "to the best of my recollection it was his father, but I will not be sure. I asked sixty pounds a year, and to be paid for the fixtures; and I mentioned seven or eight pounds as the sum to be paid for the fixtures; the sum did not exceed that amount; I forget whether I mentioned to him, or sent word afterwards, that there must be a quarter's rent paid in advance."

Margaret Maria Folkes, says, "I lived servant in Southampton-buildings, Chancery-lane, with Mrs. Corbould; I went in September, and left on the twenty-ninth of November last; Thistlewood lodged there; I was there when Thistlewood came, Mrs. Thistlewood came with him, and a young boy, about ten; I recollect a young man calling on Thistlewood, who was called by the name of Watson; he called frequently, and sometimes dined there his visits were more frequent during the latter part of the time. The prisoner Watson used also to call; and the prisoner Watson prescribed for me, because I was ill. Thistlewood used sometimes to dress in a light blue coat and coloured trowsers, and sometimes in a dark great coat; he had no other dress; his hair then appeared lighter than it does now."

Eleanor Corbould says, "I have a house in Southampton-buildings; Thistlewood and his wife lodged with me; he left on the 2nd of December; the day before the two Mr. Evans's dined with him, that is, on the Sunday; on the 2nd of December he left home in the morning; he did not sleep there that night; he had not signified any intention of leaving the house at that time; Mrs. Thistlewood and the child remained till the following evening."

Barbara Smeed says, "My husband kept the Brazen Head public-house, in Upper Lion-street, near Paddington; the house is frequented by persons working on the canal; I recollect somebody treating them with beer; and those persons left bills; there was a bill put up; one of our officers took it down; it was put up by the same persons who treated the men; it was taken down that day, or the next morning."

Isaac Bentley is the smith; he says, "In November last my workshop was in Hart-street, Covent-garden; I worked in the cellar under ground; I know Castle; he applied to me, and wanted to make a pattern at my forge; I made one, but I did not finish it; he took it, and filed it up himself; he carried it away; I saw him again in about an hour, and he bade me get on in making them, to make about fifty; he said they were wanted, I think, for a park or a rabbit-warren, and before I had made fifty, he bade me make two hundred and fifty; he gave me ten shillings in advance; they were made against the 9th of November; Castle and another man came for them; they put them into two nail-bags; they both came to my cellar; they took them away; I was paid for them at Mr. Winkfield's, the corner of Leg-alley, in Long-acre; I made out a bill, but I gave no receipt; they were both together when

I received the money; those are the spikes;" —(they are produced, and he looks at them;) he says, "They did not require any receipt; I am not certain there was no bill; they paid me nearly five pounds;" he had before said, "I made out no bill, and gave no receipt;" "Castle ordered them as for the tops of rails; when he ordered them, John Harrison was with him; Castle said they were for a rabbit-warren, or something of that kind; he came after the first pattern spike was made, and ordered fifty, and then two hundred and fifty, and then up to five hundred; that he filed, he made much sharper than this; he seemed to handle the file very well; I had never made any thing like these before that time."

William Winkfield says, "I keep a public-house at the corner of Leg-alley, Long-acre; I saw Bentley, with two other persons, in my house last November; I cannot say whether Castle was one of them or not;" he only speaks to there being two persons in Bentley's presence; "I gave Bentley change out of a pound note."

Thomas Cox says, "I was in the employ of Messrs. Parkes and Co.; they are ironmongers; I remember a person coming one morning in November, and asking for two nail-bags, a man about five feet nine high."

Then, gentlemen, we come to the fifth day.

William Tull says, "I am principal clerk of the works of the Ordnance department in the Tower; I know the Tower and all the parts of it;" he looks at that paper found at young Watson's, which you have seen to-day, and says, "This is a rough hand sketch of some of the interior part of the Tower, not done with any skill; any person might make such a sketch."

William Thompson says, "I live at No. 101, Fetter-lane, the corner of Greystoke-place; my father is ground landlord of No. 9; there are two rooms on a floor; the back room has no external window; it is lighted by a skylight all the way up; Mr. Wood holds the house under my father; we had the key when it was to let."

Mary Kinsley says, "In the month of November last, I lived at No. 1, Dean-street, Fetter-lane; Watson, senior, took lodgings at my house, on the Wednesday before the second Spa-fields meeting; he was there from the Wednesday to the Monday, then he left; he left it the day Mr. Platt was shot; he took a parlour for himself and his son; there was a bed in it; the bed was to be made every day; it used to be made towards evening; I have two keys to the parlour door; Mr. Watson had both, so that they could let themselves in and let themselves out; the outer door was on the latch, they could get in and out as they pleased. On the Sunday I took in dinner; there were several persons in the room; I think I had seen some of those persons in the room in the course of the week; I think there was somebody like Hooper in the face; I saw Preston

there and Thistlewood; Thistlewood is altered in his dress; I think he is the same; he had on light grey pantaloons, and a dark blue or a dark green coat, and a white handkerchief; pens ink and paper were on the table while they were there. On Monday morning I found the Watsons were going out; I did not see any of them all day, till about candle-light; the prisoner came then and asked me, if I had seen his son; his son had got the keys, and he could not get in; my husband who had another key gave him that, and I did not see him afterwards; he did not intimate that he was about to leave the lodgings; there were great coats in the room at night; there were none there the next day; afterwards a young woman brought the key to open the door, and my husband took it away from her; then Preston was fetched; I never saw young Watson after the day of the riots." She was asked, whether she did not go into the room herself with her own key? she says, "I never did, except the Monday evening."

John Gilling is next called. He is one of the persons mentioned by name in Castle's evidence, as being a person who had been a serjeant in the guards. He says, "I belong to the 3rd regt. of foot guards; I was quartered for some time at a house in Norfolk-street, called the City of Norwich arms; I became acquainted with Castle, he treated me, and four young men who were servants out of place, with beer; he was there three times; he treated me every time; I was there when I was off duty; I do not know whether he treated others; once there was a gentleman with him, he had a great coat on; Castle told me that the gentleman had been a lieutenant; that was loud enough for that gentleman to hear; he told me he had lately come from France; so had I; I had just been reduced from being serjeant, and I had got a serjeant's jacket on, and the conversation turned upon how I came to be reduced; he was talking about the French army; I drank with them; I walked down the street with them; Castle asked where I should be the following day, he would call upon me, and give me something to drink; I said I should be on the king's guard; Castle was speaking in the house about the Spa-fields meeting that was to be; it was shortly before that I said, if either of them would give me his address, I would send them word where I was the next day, if I was not on guard, but they spoke privately to each other; and then Castle said, I will come to the guard, and if you are not there, I will inquire for you; this was about half a mile from Knightsbridge; I had not regimentals on." He explains that afterwards, that he had not his full uniform on. He says, "We are not allowed to go out in the evening in our full uniform, I had a red scarlet jacket on; Castle began the conversation with me, and he then observed my dress; he said, 'Gilling, I know your father and relations, you come from where I do, from Knaresborough;' this was the first time I had seen Castle; Castle

did not know I had been reduced till I told him; I think I saw Castle once afterwards when the conversation passed I was dressed as a soldier, though not in full uniform."

Mr. Justice Abbott.—What Castle said, was this, "In one of the houses we saw Gilling, a sergeant in the guards, and conversed with him."

Mr. Justice Bayley.—James Brown says, "I am a soldier in the Coldstream regiment. I know the Stone-kitchen public house in the Tower; from three to five days before the riots, I saw a person like Hooper there; he came down stairs, and asked me if I would go up and take something to drink; I staid there from ten to fifteen minutes. The man took a bunch of ribbons from the inside of the crown of his hat; they were dark coloured; he asked if we had ever seen such a thing as that before; there were other soldiers there; the conversation was addressed generally to the soldiers in the room; he said, should not you like to have a big loaf, and there were very few soldiers but felt the distress of the times, as well as others; he said, that times would never be any better till there was a fresh set altogether. I did not notice that there were any persons in the room but he and the soldiers; I drank some beer, but I did not pay for it. There might be a good deal of mixed and general conversation; I think it was a wet night, I do not say that one of these persons was Hooper; I am not sure about it; I heard no whispering in any corner; I do not recollect that the Spa-fields meeting was mentioned; I do not know Castle;" therefore, all that he says, is, that there were two persons there.

William Harris, says, "I am a soldier in the Coldstream. I was in the Tower in November; it might be a week, or not so much, before the disturbance in the Minories; two persons came in; Hooper was one; he called for a pint of beer, and began to speak to the soldiers; but I do not know to whom; there might be a dozen soldiers there; he called for half a gallon more, and the soldiers drank of it. Papers were dropped by one of them by the side of the table; he said, hand those about to your comrades when we are gone; I did not hear what the bills were about; they asked us if we should like to have a big loaf; I do not know which asked; they asked what we should do if the mob came into the Tower; we answered, we should do our duty; then they asked us whether we should like to get out of our regiment; some of the soldiers said, then we should starve to death; Watson said, no, no, no, you would not; that was all I heard; I went away."

On cross-examination, he says, "We would have done our duty; we were not afraid of the mob; the conversation made no impression upon me: many gentlemen give the soldiers a pot of beer; if I had thought this wrong, I should have told my commanding officer; but I did tell my company that I had had beer; there was not much difference between the two,

as to talking; sometimes one spoke, sometimes the other; each must have heard what the other said."

Charles Nailor, says, "I am a soldier in the Coldstream; I was in the Tower in November; I recollect being at the Golden Chain public-house, shortly before the riots in the Minories, not many days before; I saw two gentlemen come in; they called for a pot of porter; Hooper was one; they asked if I would accept of it; I drank it, they drank none; one of them rolled up some hand bills, not the man who gave the porter; they put them into my hand slyly, and bade me look at them when they were gone, and if we were ruled by them, we should be made gentlemen in a short time;—those words were particularly addressed to me, but they were loud enough for his companion to hear; as I could not read, I gave one to a man named Buchanan, and I heard Buchanan read it in the mess-kitchen."

On cross-examination, he says, "The bill made very little impression upon me—in these suttling-houses there are other people besides the soldiers, but they must give an account of themselves, before they are allowed to come in; I had one bill back from Buchanan, I tore it to light my pipe."

George Buchanan says, "I am a soldier in the Coldstream Guards; I was on duty at the Tower in November last; Nailor brought me a printed bill, and desired me to read it; this was in the mess-kitchen; I read it aloud; there were twelve or fourteen soldiers present; it mentioned, that there were so many millions in a starving condition in the country, that their brothers in Ireland were in the same condition and ready to rise at once;—I do not recollect any thing about any meeting, according to my recollection of it; the paper certainly contained very inflammatory expressions; I read the paper over only once, and returned it to Nailor. I think I am correct as to its contents."

James Chappell, a publican, in Long Acre, says, "My house is frequented by the soldiers upon duty at the theatre; shortly before one of the Spa-fields meetings, two persons came to my house, and treated the soldiers with two or three pots of beer; I cannot say whether it was one of the prisoners; I believe not."

William Hillyer, a publican, says, "I keep the Dover Tap in St. George's Fields; a gentleman of the name of Maudsley has a factory there, an iron factory; three or four of the men dine at my public-house most days, at one o'clock; I know Preston, and I know Castle, they came to my house together on November last, it might be a few days before the riots in the Minories; there were others in the public-house; I do not recollect that they brought any bills that day; I believe it was about noon; some of Maudsley's men came in whilst Preston and Castle and their party (there were four or five of them) were there; on going he said, 'You will be there,' and Maudsley's men said, 'Certainly, we shall;' I saw Castle there at

other times at that dinner hour, but never saw Preston with him but that time."

Richard Statham, a soldier in the Coldstream says, "I was stationed in the Tower in November and December, shortly before the second meeting in Spa-fields. On the Thursday or Friday before, two persons came into the Stone-kitchen; I think Hooper was one of them, and gave the soldiers beer; the person with Hooper was taller. There might be ten or eleven soldiers there; I did not attend to what they said; but one of them, that was the taller, took hold of the pot of beer, and said, 'Success to a big loaf;' that was the first pot; they gave six or seven pots; they staid about half an hour; the taller came up to me, called me countryman, and said he came from Sheffield, and gave me a glass of gin, and afterwards he gave me a shilling, and said that was for half a gallon of beer, which would come to eleven-pence; and then he ordered that they should take some tobacco with the other penny."

William Mortimer says, "I was a soldier in the Coldstream; I was in the Tower in December, shortly before the meeting in Spa-fields. Two men came into the Stone-kitchen, Hooper was one, the other was taller; one of them produced some printed bills; there was no conversation about the Spa-fields meeting; a shilling was given at the bar by Hooper, for beer and tobacco; the other man said he was a Yorkshireman;" that other man, if you believe the account given by Castle, was Castle himself.

Thomas Robertson says, I was in the Coldstream, stationed in the Tower; I was in the Stone-kitchen on a Sunday night, shortly before the Spa-fields meeting; two men came; when they were going down stairs, one of them took a large bunch of ribbons out of his hat, of different colours, he waved them round his head, and said he hoped they would all wear the same colours. I think it was the shorter man that did that."

William Duke says, "I live in the New Cut between Blackfriars and Westminster Bridge; I have many carriages for sale; three or four days before the Spa-fields meeting, two men came, a tall man and a short one, they asked if I had got a stage to sell, I said I had a mountebank's stage; they went to look at it, and said it would suit their purpose; I asked them ten pounds for it, they hesitated, and then they said they wanted to hire it; I said, I never let out any thing; they wanted it to go to Spa-fields meeting, to make a speech upon; there was a society of them."

William Ware says, "A few days before the second Spa-fields meeting, Castle asked me to recommend him where he could borrow a waggon; I recommended him to Mr. Windemude."

Frederick Windemude says, "I live in Horseferry-road; on the Wednesday before the second of December, Castle applied to me for a waggon, he said Mr. Hunt had a few speeches to make on the Monday; government had offered to erect them hustings, but he would not

accept them, and he would speak from the waggon; this was at the side of the shop; he came again on the Sunday, with Hooper, and sent for me to the Ship; to the best of my knowledge, I received from each direction where I was to take it the next morning; I was to take it to the top of Chancery-lane, Holborn. Castle produced a hand-bill and stuck it up in the public room. Castle had a great quantity of ribbon, fifty or sixty yards; he gave the servant of the house about a yard and a half; they both wanted to dress my horses with those ribbons, but I denied it, and said they should not. On the next morning, I and the boy went with the waggon to the top of Chancery-lane; Hooper and Preston came to me there; they bade me stop there till they returned. Hooper and Castle afterwards brought something wrapped in a blanket, and something in a handkerchief; a long pole was in a blanket; Hooper rode in the waggon all the way; to my knowledge I never saw Castle before he came to me in the way I have described. Two other gentlemen walked before; they told me to follow them, which I did to Spa-fields; Hooper and the other two gentlemen bade me stop, and then I had the horses taken out; I had twenty shillings from Castle on the Wednesday, I had two one pound notes from him on the Sunday, and I wanted thirteen shillings more; the two gentlemen who walked before the waggon were I believe Thistlewood and young Watson. I asked for the thirteen shillings, and Thistlewood said, if it was five hundred pounds you should be paid; they opened the blankets, and then they took out flags; the last speaker on getting out of the waggon" (and that according to the testimony of Dowling, was young Watson) "said 'Follow me,' and they got out; the mob all followed him, and the colours were taken by them; I then found in the waggon a piece of cloth in a handkerchief, cloth or stocking, and in that there were bullets, and some slugs, and a tin canister; I gave those to Yeomans my son-in-law. I think Castle put the handkerchief into the waggon; Hooper was with him."—Therefore you see Windemude, in addition to the two Sheermans, confirms that fact of the last person who got out of the waggon calling out to the people to follow him.

On cross-examination he says, "When Castle first came to me about the waggon, he was alone; it was at the top of Chancery-lane I first saw the person, who from the description I suppose to be the younger Watson; whether that was the same person who used the expression 'Follow me,' I am not sure. There was a great deal of noise during all the time that the speeches were going on; there was a great deal of crowding and jostling during the whole of the time; the thing in which the bullets were found was a kind of worsted glove."

Thomas John Yeomans says, "I took out the things which were in the waggon, there were a canister of powder and some balls and slugs."

James Gillmor, the police officer, says, "he received these things at Windemude's;" he produced them; "there were about sixty bullets, half a dozen slugs, and a small quantity of powder."

Ann Hayes says, "I lived servant at the Ship, at Horseferry-road; shortly before the Spa-fields meeting I saw Castle there, twice one Sunday I saw him there with Windemude; Castle gave me that ribbon; there was another person."—I think who that person was, has been spoken to by different witnesses.

Then, gentlemen, some witnesses are called who prove the fact of certain arms being purchased.

Thomas Stacy says, "I live in Queen-street, Camden-town; my shop is in Charlotte-street, Portland-place; one Castle bought of me some sabres not a week before the Spa-fields meeting; he took a sabre, and he took a dirk."

George Flint says, "I am a pawnbroker, at 89, Edgeware-road; I sold some pistols to Castle; I sold him but one pair, but I took the money for two; the second time he came, he took away the first pair, and paid the remainder of the purchase money; and bargained for a second pair."—That exactly corresponds with Castle's account of that transaction.—"He bargained for a second pair, and paid a pound; he came for them on the Sunday morning; he came for the first on the Saturday evening; he represented himself as a Bow-street patrol, and said he was ordered by the magistrate to get arms on account of the disturbances that were expected on the Monday."

The last witness called on the part of the prosecution, is William Mills, who says, "I am foreman to Mr. Parker, a gunsmith in Holborn; in November last"—he does not specify the day; but "in November last, I sold a pair of pistols" which are those found upon Hooper; "to a young man, who gave me his name as Watson, Hyde-street; the same person came again the same day, and bought two more."—Then he looks at one which is produced by Worrall as found at Beckwith's; and he says, "that is one of the two;"—he looks at another, which is produced by Miell, and which was found upon Watson, senior, the prisoner at the bar; and he says, "that is another;" and he looks at those which have been produced by Stephens, which Stephens had received from Cartwright, and which Cartwright had received from Hodgetts, taken from Hooper; and he says, "those are the other two;" therefore those four pistols, which sometime in the month of November last, Mills sold to a person who bought them in the name of Watson, are now produced; two of those being traced to the possession of Hooper, on the second of December; one of them being traced to the possession of the prisoner at the bar; and the fourth being traced to the possession of that man who was in Beckwith's shop at the time when Mr. Platt was shot. You will recollect, gentlemen, that when Castle was giving his evidence, he represented that young

Watson gave an account, in the presence and hearing of the prisoner and the witness, that he had been buying those; and Hooper had one pair. There is certainly a very important confirmation in that respect, of the testimony given by the witness Castle.

Lord *Ellenborough*.—The evidence that was given for the prisoner consisted first of Mr. Hunt: he says, "My name is Henry Hunt. I live at Middleton-cottage, Hampshire. I have not had a subpoena from the Crown to attend on this prosecution; I was subpoena'd by the prisoner. I was present on the 15th of November at the Spa-fields meeting, and made a speech at Merlin's Cave. A motion was made to adjourn the meeting to a future day; some day after the meeting of parliament; but an alteration in the day was proposed by the younger Watson. The father of the younger Watson said, on his son's proposing an alteration, he would endeavour to prevail on him not to propose an alteration, it being too early and unnecessary. Both were standing by me, side by side. This took place at the window of the room in Merlin's Cave. The elder Watson had addressed the meeting. There was a general cry of 'Adjourn the meeting,' and I do not recollect which was the day of adjournment proposed, the second day, or the second week after the meeting of Parliament. The elder Watson endeavoured to keep the younger back. The younger Watson was sent forward from the back of the room to propose that. I dined on the 15th, the first day of the Spa-fields meeting, at Cooper's hotel, Water-lane, and Bouverie-street. I believe his Christian name is Robert. I have known Mr. William Bryant four or five years; he had engaged to order dinner there for himself and me at five o'clock. I had not invited any person, or expected any person to dine there. I found Mr. Bryant there with his son, a little boy; he told me he had ordered three whittings and a chop; the cloth was spread for three. I remember Castle coming into the room; it was a private room, and not a public coffee-room. Castle, and many with him, came in; the two Watsons, Thistlewood, Clerk, who was the chairman at Spa-fields meeting, and several other persons, I think. He (Castle) did not come in by my desire. I was not surprised to see Watson and Thistlewood come into the room, although I had not invited them; but parties at such meetings frequently dine together afterwards; but I was surprised that Castle and several others did. I remonstrated with them, as did Bryant, that it was a private room, and gave him a hint to retire. I do not think I had seen him before that day. I saw him with a flag at Spa-fields that day; he was unfurling a flag and fixing it upon a pole; he brought the flag to Merlin's Cave, and fixed it at the side of the window. I saw nothing more of Castle, till he came into the room in the evening; possibly some might retire upon my hint, but one of them proposed to have some chops with us.

The answer of Mr. Bryant and myself was, that dinner was prepared for three only, and that they could not therefore partake of it. One of them, I believe Castle, rang the bell;—Castle has said that he did not ring the bell, and Hunt does not state positively that he did;—and he said we will order some beef steaks to be added; and fresh steaks were ordered to be added. A cloth was laid. I believe it was Castle who rang the bell. I think he was not in the least in liquor; he was forward and officious, but not at all in liquor. There sat down ten or twelve to the dinner which had thus been added. The elder Watson and the younger were of the party, and Thistlewood. I had seen them the day before; Thistlewood and Watson were the names which they gave me. Castle sat down also, and the king's health was drank; it was given by Mr. Bryant at the head of the table. I added, you had better give no toast at all. It passed all round, till it came to Castle. Clarke sat next to me, and Castle the next. When it came to Castle, he began in a loud tone, 'May the last of kings be strangled'—I rose from my seat and stopped him, saying, that no such language as that should be used in my company. Castle followed it by saying something about 'guts of the last of priests.' This was apparently reprobated by the whole party, particularly by Bryant, myself, and the elder Watson. On this, Castle made a sort of apology. Castle in the evening burst out, 'damn you, the soldiers are our friends,' I said, 'pray what have we to do with soldiers here? he intimated he had frequently had conversations with them; I said, 'more fool you;' on one or two occasions he was expostulated with by the elder Watson for his violence; Castle was the general spokesman of the evening; he related a story of his being instrumental in taking two French prisoners out of the country, for which he said he had been imprisoned two years in Maidstone gaol; I intimated to the elder Watson, 'pretty company you have introduced us to;' Bryant added, 'pretty society we have got into indeed;' he said he had received five hundred pounds for carrying these prisoners out of the kingdom, and that he was to have had four hundred pounds or five hundred pounds for aiding in the escape of another, but was disappointed; that his disappointment arose from his not being able to get that French prisoner to ride on horseback; he had carried him a considerable distance in a cart, when he found it necessary to place him on horseback; he refused to ride, upon which Castle said, 'I drew out my pistol and waited some minutes, considering whether I should not shoot him.' Bryant and I appealed to Watson, or some of the party, on the necessity of taking their friend away; I believe the younger Watson on that, attempted to justify his assisting in the escape of the prisoner; the elder Watson disapproved it; after this he produced the flag which had been at the fields, with a vulgar exclamation, that that was his flag, and he would have his

heart cut out before he would part with it; he said a Spitalfields weaver had made the silk, and he prepared the rest of the flag; I said, 'Pray, Sir, who do you think would attempt to take it from you, let me see it?' I spread it out and read the words of the motto; I said, 'I see no harm in the flag or motto, but am surprised at your violence about keeping possession of it; I believe this subject was previous to talking about conveying out the French prisoner; he produced two or three cockades.'

My learned brother will have the goodness to resume the reading.

Mr. Justice Bayley. "He then produced two or three knots of ribbons, cockades apparently of the same colour as the flag, and he offered me one; I said, 'you had better give it to your sweet-heart, if you have got one,' or something of that sort; he offered it then to Mr. Bryant, who said, 'Oh yes, I will take it, it will do for my pretty little maid,' or something of that sort, and put it into his pocket. After the history of the French prisoners, I got up and declared that he should go out of the room or I would; I should have assisted to have turned him out of the room; upon which Mr. Bryant, or some other person, said, we had better not make any bustle; and then I said, if he uttered one more sentence of that nature he should go out of the room, or I would; he expressed some sort of contrition, but said no more. In a very few minutes I saw him rolled up in his chair, fast asleep; at first I expressed pleasure that he was silent; soon after that I observed one of his friends endeavouring to awake him by shaking him; upon which I said, 'for God's sake let that fellow alone, he is best as he is.' Some of the party proposed going, and I desired the first that went that he might be awake, and might go out with them; his friends endeavoured to awake him again, but without success, although considerable violence was used; on which I got up to assist to wake him and used no gentle means, for at that time I was thoroughly convinced his sleep was a sham, and saying, 'Come, this fellow shall go,' I struck him a blow under the ribs quite enough to have knocked any common man down, but it made no impression, he sat as still as if he had been dead, and I gave up the attempt to wake him; and with a full conviction upon my mind that it was a sham, I rung the bell and ordered the bill, which came to between five and six shillings each; the dinner was three shillings per head; no one in the room appeared the least intoxicated. On my expostulating with old Watson about his bringing in such a fellow, he said he was a very good fellow, a little indiscreet and violent, but he was an excellent fellow, and he hoped I would take no notice of it; and he appeared to have the greatest confidence in him. Then the whole party got up, put their hats on, and Mr. Castle was as wide awake as ever. I came again to town, to attend the second Spa-fields

meeting; I came on the Friday; the meeting was to take place, according to the resolution unanimously carried at the meeting, precisely at one o'clock; in my way to Spa-fields I passed through Cheapside; I was driving a tandem; I observed a considerable crowd passing near the Mansiou-house; Castle left the crowd, and came up to me, and stopped me fifty yards on this side Bow Church; I was driving rather slowly and looking out for information of what was the cause of the crowd. I do not recollect that I beckoned to him, but I met his eyes as he came out of the crowd; he stopped me; I very readily stopped; he said 'for God's sake how came you so late to the meeting,' or 'so much after your time,' or something to that effect. I said 'after my time!' and I turned round and observed it wanted nearly twenty minutes of one by the clock, and a quarter by my watch; I was all in good time; he said 'the meeting has been broken up these two hours; we are going to the Tower, which has been in our possession more than an hour; come along.' I struck my horse, and exclaimed, 'a damned scoundrel,' and went on; if he had not got speedily out of the way one of the wheels would have struck him; I drove on to Spa-fields meeting where there was much the largest collection of people I ever beheld."

He says on cross-examination, "I have reason to believe that Hooper was at the dinner; Preston was not"—and if you recollect, in Castle's evidence, Castle says Preston was not there—"we continued together nearly two hours and a half or three hours; the adjourned meeting was to take place at one; Watson knew that, I have no doubt of it."—That will be important also for your consideration, because you will recollect that the placard fixes twelve, and that they left the place considerably before it had reached one, before the time therefore when the meeting was to commence. He says, "my servant was with me in the tandem;"—that servant has not been called; he might certainly have been called; if he had heard and recollected what Mr. Hunt has described he would have been a competent witness to contradict the evidence of Castle. Mr. Hunt certainly does contradict Castle in one or two circumstances as to what was passing at the dinner on the 15th of November; and he also contradicts him as to the expression which was made use of, according to his recollection of it, at the time when they met in Cheapside. Which of the two is accurate in his recollection of what was said, is a question which you will by-and-by take into your consideration. You know perfectly well that expressions very often are misunderstood by parties, particularly when they are in the haste in which it is probable all the parties concerned in the transactions of that day were likely to be; the one may not recollect accurately what he himself said, and it may happen that the other may not accurately recollect what he thought he heard.

William Bryant says, "I have known Mr. Hunt four or five years; I went to Bouverie-street to meet Mr. Hunt, at five o'clock, on private business. Mr. Hunt came; the dinner was ordered for three; my son, a little boy, myself, and Mr. Hunt. Almost immediately afterwards six or eight men including Castle came in; they dined with us very much against my inclination. Castle went and rung the bell himself, and ordered additional dinner. I think Castle was perfectly sober when he came in; I did not see any thing to lead me to think that he was in a state of intoxication."—Now there Bryant describes Castle as being the person who rang the bell; Castle in his evidence says, he did not ring the bell. Hunt says that he believes it was Castle, but he is not sure. Whether Castle did or did not ring the bell is certainly not a very material circumstance in the history of this transaction; and it would not impeach the credit of the testimony of Castle in any material respect, unless you were satisfied that at the time he was giving his evidence, he knew he did ring the bell, and for wicked purposes denied that fact. He says, he did not appear to have been drinking. I objected to stay, unless I was in the chair. I gave the first toast 'The King;' it was drank till it came to Castle."—Now Castle has certainly said in his evidence, that the toast of 'The King,' was not given; that he never heard any such toast given, and if the toast really was given, and he heard it, and knew at the time when he was giving his evidence, that it had been given, that would certainly impeach his testimony. He says, "It was drank till it came to Castle, and he objected to it, and said he would drink no such toast: and he drank this, 'May the last of kings be strangled by the guts of the last of priests.' I remonstrated very much,"—as any man naturally would who had heard a speech of that description.—"I said to Mr. Hunt he ought to be turned out. Hunt on this interposed, and so did Watson immediately on the toast. He said, perhaps you do not know how much I have been injured by the government of the country; I have been confined two years in some country gaol, I believe it was Maidstone, for carrying off French prisoners. I recollect he said that one, when he got near the vessel, would not ride on horseback, and I had a great mind to shoot him. After some further conversation, he began to talk about soldiers, and I remonstrated with Mr. Hunt for suffering the man to be in company; and Mr. Hunt said, I must put an end to this sort of language, or you must quit the room; he said he would turn him out if nobody else would. This was spoken sufficiently loud for Castle to hear. Castle afterwards produced a flag, and I asked him what the colours meant? I thought it meant the French Revolution; but Watson (the prisoner) said it did not mean any such thing, and he gave a classical explanation of the three colours: that the white meant truth, the green nature, and the red justice. I

wanted to get out of the company, and desired my son to ring for the bill, and then Castle was in a sound sleep in a minute. The more they tried to wake him the sounder he seemed to sleep; at last I bade Hunt shake him, which he did; I got the bill paid, and got away."

You will observe that when Bryant and Hunt are giving an account of the transactions of that day, they do not very accurately agree in the account which they are giving; because I think, when Hunt gives the account, he describes the blow given to Castle as before the bell was rung for the bill, whereas Bryant describes it to be after the bell was rung for the bill.

On cross-examination he says, "Castle had no money, and I do not know who paid for him,"—therefore he was not paid for, according to this witness's account, by any of his own party; he says, "I think Watson was the first person who attempted to wake him; I don't recollect Hunt's striking him."—One would think, if it was such a blow as Hunt has described, it would be sure to be in his recollection.—"He was not very well dressed; he is now so much better dressed than he was then that I should hardly have known him."—The witness being asked, why he was not turned out says, "I was afraid that I should endanger either my own safety, or the safety of the house almost, in case he had been turned out, and therefore that was the reason why he was not turned out at that time."—Both of these witnesses concur in that toast being given, which Castle himself admits to have been given; and there is no man of common sense and common feeling, who must not in the strongest terms reprobate the giving such a toast, and hold in a considerable degree of abhorrence, the man who would give such a toast; and yet you do not find that that induced the prisoner at the bar, or the other persons associating with him, to discard him from that time; but they were continuing in habits with him down to the 2nd of December.

Gentlemen, no doubt Castle is contradicted by Hunt and by Bryant in some of the particulars they have stated; they are very immaterial circumstances with reference to the main question under your consideration; but they are circumstances that may or may not assist you in apportioning the credit which is to be given to Castle; if they were to convince you, that when Castle was giving his evidence upon those points upon which he is contradicted by these persons, he was knowingly and wilfully giving false answers, that would add to the discredit which would previously have attached upon him in consequence of his being originally engaged in this transaction, and in consequence of other different schemes of wickedness in which he himself admits he has been engaged; but unless this satisfies you, that upon some points he is *wilfully and intentionally* stating false answers, the contradiction he has received (even if you believe Hunt and Bryant upon those points, and not Castle), will

only strike out from the case those points to which the contradictions apply; but will not impeach the other parts of Castle's account.

You will be very materially assisted in forming your judgment with respect to the credit which ought to be attached to Castle, by considering all the different parts in which, from beginning to end, Castle is confirmed; he has, in many parts of his evidence, referred to persons as being present at several of the transactions in which he describes himself to have been engaged. In very many instances you will find that those persons have been called, and those parts of the transactions to which he has spoken, have received confirmation from the testimony of those additional witnesses. You will have the opportunity of looking through all the evidence (and very likely have looked through the whole of the evidence with that view) for the purpose of seeing whether any witness who could fairly be expected to have been called on the part of the crown to confirm him in any of the particulars which he has stated, is not brought forward, and does not essentially confirm him in all the different particulars which he has stated. I shall not go through them; you will recollect Cosser is one, Bentley is another, the soldiers at the different quarters are others, the men who carried the placards upon their backs are others; he is also confirmed by the testimony of different persons who saw them at a variety of different places, I think, with the single exception, that Angel is not called for the purpose of saying, that he was present at that dinner on the 1st of December—and I do not know that that testimony would have materially added to the evidence—but, with that single exception, I am not aware that any one person has not been called, who could, by possibility, have spoken to any of the facts which Castle has himself spoken to; and I cannot help observing that on the other side they have not called persons who have been referred to.

Gentlemen, they have called some other witnesses on the part of the prisoner. George Philpott says, "I have known Castle from the beginning of the year 1811; I did not see him for nearly two years; from the knowledge I have of him, and his general character, I should hardly think he is a man to be believed when speaking upon his oath." In fact, he says, "I should say he is not." That is the only witness who goes into that general evidence with respect to Castle.

Evidence of this kind juries are to receive as competent; you will consider how far it is material in the case of Castle. The circumstances of criminality, stated by himself, are such as would induce you to say, that he was a witness open to very great suspicion, and to be watched with the utmost care and caution by any jury who are to act upon his testimony; but after having made that observation, and hearing the account which he gives; seeing the manner in which he gives the account; and

feeling the extent to which he is corroborated, the circumstance of a single witness coming forward and saying, that he knows he is not to be believed upon his oath, does not of necessity cut down the whole of the testimony which he has given.

Gentlemen, you are aware that the counsel for the prisoner have in all cases of this description this advantage, that they are apprized a considerable period before the trial, who are the different witnesses to be called; and therefore if any other witnesses could have been called upon this point, who entertained upon this subject the same opinion of Castle as Philpott, it would have been competent for the counsel for the prisoner to have brought them forward.

They then call some witnesses, in order to impeach Heyward's testimony.

James Lawson says, "I have known Heyward from a boy; I would not believe him upon his oath; I think he is not a person to be believed upon his oath; I never heard him examined upon his oath, but I think he is not to be believed upon his oath."

Mr. Haydon says, "I know Heyward very well; I do not think he is to be believed upon his oath."

Robert Curtis says, "I have known him for five years;" he will not go so far as the others—he says, "I cannot say he ought not to be believed upon his oath, but he is not a punctual paymaster."

George Spurrell says, "He knows Heyward, and he knows him to be a rogue."

Heyward's evidence is this, that he heard one of the persons, I think Thistlewood, apply to the soldiers at the Tower, making them an offer that if they would open the gates, the privates should either be made captains, or should have double pay; and you will recollect that Heyward was pressed as to whether he had or had not mentioned that fact to any other person; he stated at once that on the same day he mentioned that fact, in the presence of several persons, to a Mr. Bent, who kept a public-house in this neighbourhood (and his name was taken down with a view to an application to him, so that he might have been referred to), and he also described that he stated it to Ensor, in the check-office in the Bank. But you will recollect also, that the fact of such language being used to the soldiers in the Tower, does not rest on the single testimony of Heyward, but that there are two soldiers, one of the name of Darlington, another of the name of Edmonds, both of whom speak to similar offers having been made to them in their hearing; this evidence does not, in the first place, destroy the testimony of Heyward; but if Heyward's testimony was out of the case (unless you were satisfied that the evidence of the soldiers was liable to be impeached), the count, which avers the endeavouring to seduce the soldiers in the Tower, would still remain proved.

Mr. Scott says, "I am a reporter for the Morning Advertiser; I attended the second

Spa-fields meeting, for the purpose of taking the speeches." He was asked how near he was; and he says, "as near as I may be to the jury: "I could not maintain my ground for a minute: I saw the prisoner was speaking, but I did not endeavour to take a note, and I never do in a mob; I could not have taken one; I think it could not have been done; I was pushed very much about; I could hardly hear any thing; the prisoner seemed to be complaining of the prince, as far as I could understand; I left him speaking; I think it was after twelve o'clock." Now the object of that testimony is, to induce you to believe that the testimony of Dowling cannot be correct, and that the note he took could not be an accurate note. Whether Dowling could or could not take an accurate note must depend in a great degree upon the situation in which Dowling at that time stood. Dowling might be able to stand in a situation of much greater quiet, and much less liable to interruption than this person. And Dowling produced before you that very paper which he took at the time, when the meeting was going on; and from that very paper, taken in short hand, he read from beginning to end the account of this meeting. And you will recollect, gentlemen, that one important part at least, and the most important part of Dowling's evidence is confirmed by the two Sheermans; namely, the invitation, "Follow me;" which they all state to be the last invitation uttered by the younger Watson.

Samuel Steers says, "I know Dowling the short-hand writer." You recollect, no doubt, that a question was put to Dowling on his cross-examination insinuating, that he was not giving his evidence with an unbiassed mind, but had a purpose of his own to serve; and that he had falsely answered certain questions put to him on the subject, of his having had the promise of an appointment, or expecting any such appointment. This witness says, "I had a conversation with him, in which he stated, that in consequence of his connexion with the treason prosecutions, he had been introduced to the home department, which had led to the employment of himself and brother, to the value of about three hundred pounds." That does not contradict Dowling. Dowling had been asked, "Have you any employment under government? No. Have you been promised any employment? No, I have never been promised any employment. I have been promised I should be paid as a short-hand writer, but nothing but for my labour as a short hand writer, and for my time. I said I expected to be remunerated for what I had done; but I never applied for any appointment, nor expected any." The utmost of the evidence of Steers is, that in consequence of what was done on the 2nd of December, and the part he had taken, he has since been employed in the service of government; and had been duly and fairly paid a compensation for the trouble he had had; he giving up his time and labour to government, and receiving a compensation.

I have now gone through the whole of the evidence.

Lord Ellenborough.—Gentlemen of the Jury, I shall make very few observations upon the latter part of this evidence. Nothing is more easy than to destroy, in a short and summary way, the credit of any person's testimony, by swearing, generally, that he is not to be believed upon his oath. The persons concerned for the prisoner, have a list of all the witnesses meant to be called against the prisoner, delivered to them beforehand, and therefore know who are the persons to be called to prove the case against him. The persons concerned on the part of the crown have not this advantage; they have no notice whatever of the witnesses who may be brought forward for the defendant, either to speak affirmatively to facts on his behalf, or in order, as has been done here, by one summary and compendious assertion, to strip any particular witness, who has been examined against him, of all title to credit, upon that or any other subject. If the persons concerned for the prosecution had known, or had reason to suspect, by a similar previous communication of names, who were likely to be produced, to divest their witnesses of all pretensions to character, and to expose them to the infamy attached to persons wholly to be disbelieved upon their oaths, they might possibly have produced witnesses against the discrediting persons themselves, who might say that the discredit and infamy which they attempted to fix on others, justly belonged to themselves. Under these circumstances of disadvantage on the part of the prosecution, this evidence is at present brought forward; declarations of this sort, in their own nature incapable of being immediately contradicted, are the less entitled to attention when we find the person making them, saying, that another is not to be believed upon his oath, because, for instance, he is not a punctual paymaster; or assigning some other equally inconclusive reason, for disbelieving a person speaking under the solemn sanction of an oath.

The general character of the witness Castle has, however, been fully abandoned by the counsel for the crown; they have not upheld him as a worthy respectable man, in any part or period of his life; but the evidence particularly pressed against him, as to some of the least material facts to which he has sworn, is the evidence of Mr. Hunt and Mr. Bryant. Mr. Hunt states, that he was at a meeting at which the health of the king was proposed; and it went round till it came to him, &c. You will recollect the rest of this statement. Now, if this person, Castle, had been maintaining a character, either for loyalty or for common decency, upon this occasion, there might have been some reason for his misrepresenting or concealing the circumstances of conduct, and particulars of conversation imputed to him at this meeting; but the contrary is so much the case, that he himself, in

his own evidence, brings forward the story of his own very disgusting toast, about strangling the last of kings with the guts of the last of priests; that is his own account of the matter, and therefore he does not appear to have had any reason, operating on his mind, for representing facts, in this instance, otherwise than as he supposed them actually to have taken place, according to the recollection he then had upon the subject: but supposing what Mr. Hunt says to be quite correct, it is likely enough, that fatigued as Castle probably was, on the 15th of November, by the bustle and labours of that day, and having taken, as he asserts, and as very probably was the case, too much liquor, a great deal might pass of which he might not have a perfect recollection afterwards, but which he appears to have had no immediate interest to deny, when he was admitting other matter so much more disparaging to him.

But there are other things, and of much more material import, as to which there is not the same or any other adequate reason to be assigned for the non-contradiction on the part of the prisoner of the particulars stated by the witness Castle; he has comprehended in his evidence, a period of time from the month of October to the beginning of December, in respect of which he has laid himself open to contradiction on the business of almost every day, and to which no sort of contradiction is offered. Look at the important fact of his hiring the house of Mr. Cosser, for the purpose of depositing combustibles in it; is there any contradiction given to that fact? Cosser himself states all the particulars, and verifies his account by proving not only that Castle was there upon the occasions stated, and made such applications as are represented by him, but that Thistlewood did, as Cosser has stated him to have done, give a false account of the family of this young man Watson, in-untruly representing him as the son of a farmer in Lincolnshire, and that he wished to use the house as a seed and oil shop.

Then as to the pikes; are any imputations attempted to be cast upon the story of Bentley? Is not the evidence of Castle confirmed by the discovery afterwards made by the police officer in Hyde-street, Bloomsbury? In short, is not every circumstance which is material in confirmation of the evidence given by him, verified, with the solitary exception of certain circumstances which rest upon the contradiction of Mr. Hunt and Mr. Bryant, as to the particulars which occurred at the dinner in Bouverie-street, and the single contradiction of Mr. Hunt, as to the conversation on the 2nd of December, who is not confirmed as he might and ought naturally to have been by the only ear witness who was present on that occasion, namely, his own servant? It appears that when Castle is supposed to have said, that the Tower had been in their possession two hours, Mr. Hunt's boy was in the tandem close to him; why is not that boy called, as might have been ex-

pected, particularly in a case in which Hunt's oath is opposed to the oath of another person, where the effect of his swearing is to disparage the credit of that other person, and to fix the crime of perjury upon him? why does he not, thus circumstanced, bring forward that further falsification of the testimony of the other, and that support of his own with which this case appears to have supplied him?

This case does not, by any means, rest on the evidence of Castle; it has been put to you as if it all rested upon the solitary testimony of Castle. Evidence has been pointed out to your attention, taken from the very person of the defendant; that paper, which appears inexplicable upon any supposition of his innocence; that paper referring to divisions and appointed places of meeting—the Tower, designated by the name of the Old Man; the Tower and the Bank being specifically mentioned by their proper denominations, in the opposite column of the paper, the arrangement of stations and barricades, followed up in the manner Castle has stated. What earthly reason is assigned for the trying to get Cosser's house? Had not they houses enough on their hands? had not they houses in Hyde-street, in Dean-street, and in Greystoke-place? were not those houses more than sufficient for a man in such circumstances as this man was? and when it is proved, as it is by Cosser, that he was treating for another; apply that fact, and see what reason, consistent with probability, there could exist, for his taking any other house, unless it was the very reason assigned for his so doing. The very shop taken in Hyde-street, it is said, for the son, is never seen as a shop used by him to carry on his business; and it is not suggested that he had, even colourably, any business or occupation, but that of a surgeon.

It is for you, gentlemen, to consider all the circumstances, and you will call to remembrance the important confirmation of Castle's testimony by Windemude, from whom the waggon was hired, in a later period, and also the singularity of the overtures to the soldiers in the Tower, as proved by Heyward, Edmonds, and Darlington, and the endeavour to seduce the soldiers; you will consider also the confirmation by Dowling, the short-hand writer, who swears that young Watson, at the close of an inflammatory harangue, having jumped from the waggon, as had been previously concerted, and asked his surrounding associates whether they would follow him, advanced as the standard bearer in this mad and mischievous warfare. If you believe that the prisoner at the bar was party to a conspiracy formed with his son and others, in which there was to be this waggon introduced, these inflammatory speeches delivered, this rushing from the waggon, this banner unfurled to lead an infuriated multitude forward as if to instant battle, and upon which all these outrages which have been detailed, were immediately consequent, in the seeking out the houses of the various gunsmiths

mentioned, in robbing them of the large quantity of offensive weapons of various descriptions which have been stated; and if you believe that the prisoner Watson, shortly after the commission of these outrages, as related by the witness, Ann Wright, addressed his companions in language partly consisting of encouragement for the future, and reproach for the past, "Come on my brave boys! if you had but followed me the Tower would have been in our possession long ago!" Considering all those things, you cannot but feel, that you have before you a body of cogent evidence in proof of the design, charged against the prisoner, to overset the laws and government of the country, and to introduce anarchy and disorder in their room; and attempted to be carried into effect by means of open rebellion and force, directed and levelled against his majesty's government.

Gentlemen of the jury, you have now heard the whole of the oral evidence; the written documents shall be presently put into your hands; you will then proceed to give that verdict, which I trust you will give from the unbiassed impulse of honest and pure minds, acting upon the subject before you, and which will have the effect of affording protection to the prisoner at the bar, if he shall be found entitled to immunity and protection from the charges made against him; but, in another view of the case, affording also that security to the laws and people of this land, and to its government, as it subsists under those laws, and is administered by the king and the two Houses of Parliament; thus satisfying your own consciences, and the expectations of your country, unbiassed by any consideration which might affect the impartiality of that justice, which you are, under so many solemn sanctions, this day required to administer.

Gentlemen, you will now consider of your verdict.

Mr. Richardson.—(Foreman of the jury.) We wish to retire.

Lord Ellenborough.—Gentlemen of the jury, if you wish to have any refreshment, you had better take it now; because after you have withdrawn, you cannot have any.

Mr. Richardson.—We shall not be long, my lord.

[Several of the jury expressed a wish for refreshment.]

Lord Ellenborough.—You had better have it here then, gentlemen. In a former trial of very considerable length, the chief justice made that intimation to the jury which I have done; and I should have been sorry if it had been omitted.

[The jury after taking refreshment, retired at five o'clock, and returned at twenty-five minutes before seven.]

Mr. Barlow.—James Watson, hold up your hand. Gentlemen of the jury, look upon the

prisoner. How say you, is James Watson Guilty of the High Treason, whereof he stands indicted, or, Not Guilty?

Foreman.—Not GUILTY.

Mr. Barlow.—Did he fly for it?

Foreman.—I do not understand the question. Do you mean for our verdict?

Mr. Justice Bayley.—Did he fly away from justice?

Foreman.—No; No.

Mr. Barlow.—Gentlemen of the jury, you say that he is Not Guilty, and that he did not fly for it; so you say all, and that is your verdict?

Foreman.—Yes.

Lord Ellenborough.—There is no other charge against the prisoner at the bar; is there?

Mr. Attorney General.—No, my lord.

Lord Ellenborough.—The prisoner may be discharged.

Mr. Watson.—I wish to observe——

Lord Ellenborough.—You had better not.

[The prisoner was immediately discharged.]

COURT OF KING'S BENCH.

Tuesday, 17 June, 1817.

[Arthur Thistlewood, John Hooper, and Thomas Preston, were set to the Bar.]

The Panel was called; and the first twelve gentlemen who appeared, were sworn; viz.

John Franklin, Esquire.

John Hunter, Mercer.

John Kepp, Coppersmith.

Alexander Jupp, Grinder.

George Barbat, Bootmaker.

Charles Hewett, Engraver.

John Rose, Cheesemonger.

Robert Hartley, Perfumer.

Joseph Smith, Gentleman.

William Fell, Currier.

William Girdler Mucklow, Oilman,

William Cleghorn, Shoemaker.

The jury were charged with the prisoners, in the usual form.

Mr. Attorney General.—Gentlemen of the jury—It is not my intention to call any witnesses in support of the charges against the prisoners at the bar, and of course they will be entitled to their acquittal.

Lord Ellenborough.—Gentlemen of the Jury—No evidence being called against the prisoners at the bar, it is your duty to find them Not Guilty.

The Jury immediately pronounced each of the prisoners Not Guilty.

Lord Ellenborough.—*Mr. Attorney General*, there is no further charge against the prisoners?

Mr. Attorney General.—No, my lord, not that I know of.

Lord Ellenborough.—Then the Court order them to be discharged.

[The Prisoners were immediately discharged.]

693. Proceedings on the Trial of JOHN HATCHARD for a Libel, published in "The Tenth Report of the Directors of the African Institution;" tried in the Court of King's Bench, by a Special Jury, before the Hon. Sir Charles Abbott, Knight, one of the Justices of his Majesty's said Court, Feb. 17th; 57 GEORGE III. A. D. 1817.

Counsel for the Prosecution.

Mr. Sergeant Best [afterwards a Judge of the King's Bench];

Mr. Marryat, *Mr. Curwood*,
Mr. Fitzgerald,

Solicitors.

Messrs. Martineau and Malton.

Counsel for the Defendant.

Mr. Attorney General [Sir W. Garrow, afterwards a Baron of the Exchequer];

Mr. Scarlett,

Mr. Richardson [afterwards a Judge of the Common Pleas].

VOL. XXXII.

Solicitors.

Messrs. Lambert and Son.

The Indictment was opened by *Mr. Fitzgerald*; it was as follows:

Of Michaelmas Term in the Fifty-seventh year of King George the Third, 1816.

Middleton } Be it remembered that on
to wit. } Tuesday next after fifteen
days of Saint Martin in the fifty-seventh
year of the reign of our sovereign lord
George the third by the grace of God of
the united kingdom of Great Britain and

Ireland king defender of the faith in the court of our said lord the king before the king himself at Westminster in the county of Middlesex by the oath of twelve jurors good and lawful men of the said county of Middlesex now here sworn and charged to inquire for our said lord the king for the body of the said county It is presented as followeth (that is to say) Middlesex to wit The jurors for our lord the now king upon their oath present that before the publishing of the several false scandalous malicious and defamatory libels hereinafter mentioned to wit on the first day of January in the year one thousand eight hundred and fifteen and continually from thence until the first day of December in the same year sir James Leith knight was captain general and governor in chief in and over all his majesty's leeward Charibbee Islands in the West Indies and certain persons (that is to say) Thomas Norbury Kirby Langford Lovell Hodge Samuel Warner John Horsford Paul Horsford William Gunthorpe Nicholas Nugent and George Ottley of the said island during all that time were aides-de-camp and each of them was an aide-de-camp to the said sir James Leith in the island of Antigua being one of such islands and the jurors aforesaid further present that John Hatchard late of the parish of Saint James within the liberty of Westminster in the county of Middlesex bookseller being a person of evil and slanderous disposition and contriving and maliciously intending to vilify and defame the said Thomas Norbury Kirby Langford Lovell Hodge Samuel Warner John Horsford Paul Horsford William Gunthorpe Nicholas Nugent and George Ottley and to cause it to be believed that they were persons of cruel and inhuman dispositions towards their slaves and wantonly inflicted upon such slaves severe excessive cruel and arbitrary punishments heretofore to wit on the thirtieth day of October in the fifty-seventh year of the reign of our lord the now king at the parish of Saint James aforesaid in the said county of Middlesex wilfully maliciously falsely and unlawfully did publish and cause and procure to be printed and published a certain false scandalous malicious and defamatory libel of and concerning the said Thomas Norbury Kirby Langford Lovell Hodge Samuel Warner John Horsford Paul Horsford William Gunthorpe Nicholas Nugent and George Ottley in the form of a pamphlet purporting to be the Tenth Report of the Directors of the African Institution read at the annual general meeting held on the twenty-seventh day of March one thousand eight hundred and sixteen (meaning the twenty-seventh day of March in the year of our lord one thousand eight hundred and sixteen) and containing therein

amongst other things the false scandalous and libellous matter following (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua (meaning the island of Antigua aforesaid) A gentleman who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own who was pregnant (meaning a female slave of the said aide-de-camp) she (meaning the said female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said aide-de-camp) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services On the receipt of this information the gentleman (meaning the said aide-de-camp) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith) he (meaning the said aide-de-camp) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury refused to find the bill To the great scandal and disgrace of the said Thomas Norbury Kirby Langford Lovell Hodge Samuel Warner John Horsford Paul Horsford William Gunthorpe Nicholas Nugent and George Ottley to the evil example of others and against the peace of our said lord the king his crown and dignity.

Second Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said Thomas Norbury Kirby and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the said thirtieth day of October in the fifty-seventh year of the reign of our lord the now king in the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein (amongst other things) the false scandalous malicious and defamatory libel following of and concerning the said Thomas Norbury Kirby (that is to

say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua A gentleman (meaning the said Thomas Norbury Kirby) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said Thomas Norbury Kirby) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said Thomas Norbury Kirby) gave the unfortunate woman (meaning the same female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services On the receipt of this information the gentleman (meaning the said Thomas Norbury Kirby) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith) He meaning the said Thomas Norbury Kirby) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said Thomas Norbury Kirby and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Third Count.— And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said Langford Lovell Hodge and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning the said Langford Lovell Hodge (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua A gentle-

man (meaning the said Langford Lovell) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said Langford Lovell) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said Langford Lovell) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services On the receipt of this information the gentleman (meaning the said Langford Lovell) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith) he (meaning the said Langford Lovell) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said Langford Lovell and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Fourth Count.— And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said Samuel Warner and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning the said Samuel Warner (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua A gentleman who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said Samuel Warner) who was pregnant

she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said Samuel Warner) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said Samuel Warner) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith) he (meaning the said Samuel Warner) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said Samuel Warner and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Fifth Count.—And the jurors aforesaid upon their oath aforesaid further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said John Horsford and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning the said John Horsford (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman (meaning the said John Horsford) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said John Horsford) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead

however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said John Horsford) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said John Horsford) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith). He (meaning the said John Horsford) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said Island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said John Horsford and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Sixth Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said Paul Horsford and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning the said Paul Horsford that is to say the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman (meaning the said Paul Horsford) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said Paul Horsford) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said Paul Horsford) gave the unfortunate woman (meaning the same female slave) an additional number of lashes and dis-

patched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said Paul Horsford) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith). He (meaning the said Paul Horsford) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said Paul Horsford and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Seventh Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said William Gunthorpe and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning the said William Gunthorpe (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman (meaning the said William Gunthorpe) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said William Gunthorpe) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said William Gunthorpe) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said William

Gunthorpe) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith). He (meaning the said William Gunthorpe) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said William Gunthorpe and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Eighth Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said Nicholas Nugent and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein (amongst other things) the false scandalous malicious and defamatory libel following of and concerning the said Nicholas Nugent (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman (meaning the said Nicholas Nugent) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said Nicholas Nugent) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's (meaning the said sir James Leith's) interference in good part the gentleman (meaning the said Nicholas Nugent) gave the unfortunate woman (meaning the said female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said Nicholas Nugent) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith). He (meaning the said Nicholas Nugent) was afterwards in-

dicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said Nicholas Nugent and to the evil example of others and against the peace of our said lord the king his crown and dignity.

Ninth Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being such person as aforesaid and intending to vilify and defame the said George Ottley as aforesaid and to cause it to be believed that he was a person of cruel and inhuman disposition and had treated one of his female slaves with great and unjustifiable severity and cruelty heretofore to wit on the day and year last aforesaid at the parish aforesaid in the county aforesaid did publish and cause to be published a certain printed pamphlet containing therein amongst other things the false scandalous malicious and defamatory libel following of and concerning said George Ottley (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman (meaning the said George Ottley) who held the situation of aide-de-camp to the governor sir James Leith (meaning the said sir James Leith) having severely cartwhipped a negro woman of his own (meaning a female slave of the said George Ottley) who was pregnant she (meaning such female slave) laid her complaint before the governor (meaning the said sir James Leith) who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's interference in good part the gentleman (meaning the said George Ottley) gave the unfortunate woman (meaning such female slave) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the said George Ottley) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor (meaning the said sir James Leith) He (meaning the said George Ottley) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury (meaning a grand jury of the said island of Antigua) refused to find the bill to the great scandal infamy and disgrace of the said George Ottley and to

the evil example of others and against the peace of our said lord the king his crown and dignity.

Tenth Count.—And the jurors aforesaid upon their oath aforesaid do further present that the said John Hatchard being a person of such evil disposition as aforesaid and intending to vilify and defame the grand jurors of and for the said island of Antigua and to cause it to be believed that such grand jurors there would not entertain or find a bill of indictment charging the proprietor of a negro slave in that island with cruelty towards such slave and that criminal justice was not duly administered by the grand jurors there on behalf of slaves heretofore to wit on the day and year last aforesaid at the parish in the said county did publish and cause and procure to be published a certain other printed pamphlet containing therein (amongst other things) the false scandalous malicious and defamatory libel following of and concerning the grand jurors of and for the said island of Antigua (that is to say) the directors (meaning the directors of the said African Institution) are also informed that about a year ago the following circumstance took place in the island of Antigua. A gentleman who held the situation of aide-de-camp to the governor sir James Leith having severely cartwhipped a negro woman of his own who was pregnant she (meaning such negro woman) laid her complaint before the governor who humanely attended to her story and dismissed her with some money for herself and a note to her owner. Instead however of taking his excellency's interference in good part the gentleman gave the unfortunate woman (meaning the same negro woman) an additional number of lashes and dispatched a note to sir James Leith who in consequence ordered his secretary to inform the writer that sir James had no further occasion for his services. On the receipt of this information the gentleman (meaning the gentleman who had so held the situation of aide-de-camp as last aforesaid) dressed up one of his negro boys in his own uniform and mounting him upon an ass dispatched him with an insolent note to the governor. He (again meaning the gentleman who had so held the situation of aide-de-camp) was afterwards indicted for cruelty at the express order of the governor (meaning the said sir James Leith) but the grand jury refused to find the bill (meaning thereby that the grand jurors of and for the said island of Antigua unduly and corruptly refused to find a true bill of indictment for such severity and cruelty as last aforesaid). And intending thereby to insinuate that criminal justice was not duly administered by the grand jurors there on behalf of slaves. To the great scandal

infamy and disgrace of the said grand jurors of and for the said island of Antigua To the evil example of others and against the peace of our said lord the king his crown and dignity

(Witnesses) PHILIP MARTINEAU
PAUL HORSFORD

Both Sworn in Court—A True Bill

Mr. Sergeant Best.—Gentlemen of the jury; the present prosecution has been directed by the legislature of the Island of Antigua, for the purpose of protecting the characters of a most respectable class of men, the colonial Aides de Camp of the governor of that island, and (which is still more important) the administration of justice there, from the slanders which form the subject of this indictment; and, I might add, for the purpose of protecting the lives of all the white inhabitants of that settlement; for I do not hesitate to assert, that unless the Institution from which this libel has proceeded shall be prevented from promulgating unfounded and exaggerated statements of supposed occurrences in the West Indies, there can be no security for those of our countrymen whose destiny it is to live in the midst of a negro population which has been rendered, by events in Europe, most sensitive to every thing that relates to their condition, and which inhales disaffection and insubordination from every calumny upon their masters.

Do not imagine that I design to attribute any *ill intentions* to the society from which this libel has emanated; I know that some of the most respectable, honourable, and estimable men in this country are enrolled amongst its members, but, on that account, the slanders of which I complain are the more dangerous; because any thing appearing to come from such persons (for I do not attribute to the respectable portion of this association the circulation of any thing so false and malignant as this report) instantly receives from every class of society the most implicit credit. It is not therefore in resentment, but in self-defence that the prosecutors now come forward. Long have they been anxious to meet, in this temple of truth and justice, those who have, without even the slightest foundation, imputed to the great body of slave-proprietors the most heinous crimes: but, until the present moment, the distance of the place where the crimes have been alleged to have been committed, and the difficulty of bringing witnesses hither, have prevented them from preferring their just complaints.

My learned friend, by reading the indictment, has informed you that the libel therein set forth attacks the characters of the colonial aides-de-camp to sir James Leith, at that time governor of Antigua and the other leeward islands, and severely reflects upon the grand jury of that settlement. It is a part of what is called THE TENTH REPORT OF THE DIRECTORS OF THE AFRICAN INSTITUTION. It runs thus—"The directors are also informed that about a year ago the following circumstance took place in the island of Antigua;—A gentleman who held the situa-

tion of aide-de-camp to the governor, sir James Leith, having severely cart-whipped a negro woman of his own, who was pregnant, she laid her complaint before the governor, who humanely attended to her story, and dismissed her with some money for herself, and a note to her owner."

This aide-de-camp is represented to be such an inhuman monster as to cart-whip a poor woman who was in that state which would restrain any man, even though approaching to a brute, from treating her with cruelty. "Instead, however, of taking his excellency's interference in good part, the gentleman gave the unfortunate woman an additional number of lashes, and dispatched a note to sir James Leith, who in consequence ordered his secretary;" the contents of the note are not stated, but we are to presume that it asserted the right to treat with unbounded inhumanity any unfortunate wretch in a state of slavery "to inform the writer that sir James Leith had no further occasion for his services. On the receipt of this information," (it is not enough therefore to represent that a pregnant woman was cart-whipped, that in consequence of her complaining she was treated with the same cruelty a second time, and that her master was dismissed and punished for his misconduct, but it is added) "the gentleman dressed up one of his negro boys in his own uniform, and mounting him upon an ass, dispatched him with an insolent note to the governor." This slander applies solely to the aide-de-camp; but you will by what follows discover that the real object of the writer is to cause it to be believed that negro slaves in the West Indies receive no protection from the colonial judicatures, and that they are in a situation of unexampled wretchedness. "He" (meaning the aide-de-camp) "was afterwards indicted for cruelty at the express order of the governor, but the grand jury refused to find the "bill." Which means that the grand jury were so deaf to the calls of humanity, so corrupt, and so wicked, as to refuse to find this bill, although the appeal of the unfortunate negro was sanctioned by the support of the governor, the protector of all the oppressed in that island.

This libel does not merely state a single fact which might have been mistaken or misunderstood by the writer, but it relates a series of events in which different persons were engaged. It is impossible that such a narration could have originated in accident or in misconception of any story which had been told in any part of the West Indies. It is a false, scandalous, and malignant fabrication, invented for the wicked purpose of holding out to the British public and to the negro population of the West India islands (in the centre of which be it remembered that the inhabitants of one large island have thrown off the white yoke and established a negro republic) that those who in the situation of grand jurymen are called to administer justice, are so debased by the horrid tyranny in which a system of slavery allows

them to indulge, that no negro can, under any possible circumstances, obtain redress at their hands.

If this were true, ought such a system to be endured for a moment? could a Christian nation permit, for an instant, a government to exist under which such things can happen? and can there be a more wicked libel than such a malignant misrepresentation, which must have been invented for the purpose of beating down by false charges a cause which cannot be subdued by fair argument? But it may be said, "you have not brought forward the author but only the printer." That is not the fault of the prosecutors, for immediately upon the libel reaching the West Indies, my respectable and honourable friend who sits behind me, and who holds the situation of agent for Antigua was directed by the two houses of legislature of that island to call upon Mr. Hatchard to deliver up his author. Mr. Hatchard told us that he had published the report for the African Institution, and to them he must refer us for the author. In consequence of this, we called upon the African Institution; we desired them to deliver up, that we might prosecute, the man who has dared to circulate through the world this most unfounded, infamous, and cruel slander. They, in their wisdom, thought proper to reply, "you may go on against the printer, we shall not give up the author." I am sure, if the respectable individuals whose names I have seen in the list of members of that society had been present, such an answer would not have been sent; it could only have proceeded from some persons of that respectable body who were influenced more by zeal than discretion in promoting the measures which that society has undertaken to advocate.

Can there be any good reason for this conduct? It occurs to me that the reason to be given may be this: "The man who furnished this information is now in the island of Antigua, and by giving his name the Institution would surrender him to the vengeance of the British residents." Is he there? If he be in the island of Antigua, he ought instantly to be driven from it, because he must be aware that not one scintilla of what he has stated in this paper ever existed in point of fact. He is therefore too wicked and mischievous a man to be permitted to remain for a single hour in that or in any other colony in the West Indies. If he be in this country, there cannot be any reasonable objection to giving him up. If given up, we should have proceeded against him in such a way as would have afforded him an opportunity of proving at the bar of a British court of justice, the truth of what he has written. If he could have done so, the consequence would have been a call upon the legislature to provide, at any expence, the means by which the system of slavery under which human beings were thus maltreated should be abolished. But the African Society have thought proper not to disclose the author's

name, and therefore I am driven to the necessity of indicting the printer, he being the only person against whom I have any means of proceeding.

Notwithstanding what the gentlemen slandered have suffered, notwithstanding the apprehensions which the inhabitants of Antigua have entertained from the circulation of these libels, I assure you that this prosecution is not instituted in any spirit of hostility; I assure you, gentlemen, that, if charity constitutes a part of Christianity, there are as good Christians on the other side of the Atlantic as on this. Injured although they have been, they seek not indemnity for the past, but security for the future. They fear nothing which can be said of them with truth. They do not desire to prevent their opponents from urging any arguments which their united talents can bring forward. In the fair field of argument, the freedom of the press, happily established in this country, will protect them. My clients merely desire that when their opponents hazard assertions, they will take care to be correctly informed as to their facts. Let them bear in mind that the only protection for the European inhabitants of our West Indian islands, surrounded as they are by a negro population, consists in the conviction entertained by the negroes, that the authority of their masters will be upheld by the mother country. If the negroes are to be told that the British settlers have not the protection of Great Britain, but that on the contrary a society, in which are to be found the highest names, is disseminating through the world papers showing that the European inhabitants of the West Indies must be held in detestation at home, and are ready to be delivered up to the vengeance of those negroes, is it possible that the spirit of insurrection can be controlled?

I never have been an advocate for slavery; on the contrary, I have always thought (and I believe, those who send me here think) that if slavery could be put an end to consistently with justice to the interests of the great body of West Indian proprietors, it ought to be abolished. But let us not, in the eager pursuit of one object lose sight of every other: let us remember that if we owe humanity to the negroes, we also owe it to the white population: let us remember that, to abolish slavery, we must either send to the West Indies such a force as would be sufficient to protect the Europeans from the emancipated negroes; or we must bring home and indemnify the colonists who, upon the assurance of protection from the British government, have embarked their property in the cultivation of these settlements. If Great Britain is prepared to offer either alternative, I can venture to say that there is not an inhabitant in the West Indian islands who would not rejoice as much as any gentleman whom I have the honour of addressing, that this system should be overturned. I am afraid, however, that neither alternative would be justified by the present state of our finances; and since our countrymen must remain in the plantations,

let us not endanger their security by vilifying that character which is their best protection. When a spirit of insurrection is excited amongst the negroes, what means have the African Institution to allay it? what power to shelter its victims from its fury? The stoutest hearts will surely tremble at dangers which they can neither resist nor share.

That this paper is a libel, I am sure there cannot be the least doubt. It will be, however, for his lordship to say whether my opinion be correct; it will be his lordship's duty (and no one can discharge it better than the learned judge in whose presence I have the honour to address you) to tell you whether this paper be a libel or not. If his lordship shall be of opinion that it is not a libel, whatever these respectable gentlemen may have suffered, this prosecution must fail. If his lordship shall be of opinion that it is a libel (and I cannot doubt that that opinion will be delivered by his lordship) there cannot be any defence for Mr. Hatchard. The defendant has certainly selected an advocate (my learned friend the attorney-general) who, if it be possible for any talents to offer a defence, or to suggest a palliation of the guilt of this paper, will offer it; but it appears to me to be altogether indefensible. When you shall have received the rule of law from his lordship, you will have no difficulty in this case, and the result must be a verdict of guilty.

Unless my learned friend shall think proper to put in certain papers which I have seen, I apprehend that no evidence will be offered on the part of the defendant, and that I shall not again have an opportunity of addressing you. The papers to which I allude may be produced for the purpose of showing that something like an apology has been offered for the publication of this libel. Without stating the contents of those papers, I merely, in this stage of the cause, put in my claim to say, that so far from their amounting to any apology, they are most improperly (to use no harsher term) calculated to perpetuate the effects of this slander. They contain a profession of candour, under colour of which there is as much malignity as in the original libel. That is the manner in which those papers have struck me; if they are produced to-day, you will have an opportunity of judging; if they are produced hereafter, when the defendant is brought up for judgment, the learned judges of this court will have an opportunity of judging, whether I have or have not ascribed to them their true character.

Mr. Attorney General.—I cannot help doubting whether my learned friend can ascribe a character to papers which are not produced; that seems to me to be going too far.

Mr. Justice Abbott.—No, I think he cannot.

Mr. Sergeant Best.—Gentlemen, I am exceedingly sorry to have said any thing I ought not; you will consider, then, that the papers are not produced, and that the case stands nakedly upon the publication of the report

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containing the libel. My learned friend has very properly stopped me.

Mr. Justice Abbott.—The attorney-general objects to your making remarks upon papers not yet in evidence.

Mr. Sergeant Best.—Gentlemen, I am corrected, the papers are out of the question, and your attention will be directed to this—is the defendant the publisher? Of that there can be no doubt. The remainder is a question of law, which, however, under a late act of parliament, you are to decide, for the jury are now judges of the law in cases of libel. But upon that question you are directed by the same act to receive the assistance of his lordship; and I am convinced, that whatever opinion his lordship shall pronounce to you, you will follow. But I should have no hesitation in leaving that question to you, even if his lordship had not been directed to give you his assistance; for can any man living doubt, that to say of a grand jury that a bill has been presented to them which they have refused to find, accompanied with an insinuation that they so refused because they chose to countenance the crime of cart-whipping a pregnant woman, is a libel upon that grand jury?

If (which is impossible) you should pronounce a verdict of acquittal, and any body were to publish in Antigua, that the jury who tried this cause found a verdict of not guilty, because they were enemies to the slave trade, and therefore would not convict any person who had attacked the slave trade, could any man doubt that this would be a libel? The cases are precisely similar: and if juries were to allow themselves to say that they would not act upon those principles of law, under which papers of this sort have been long holden to be libels, and to adopt unknown rules for their guidance, such conduct would destroy the liberty of the press, and indeed all other liberty. Unless courts of justice act upon known established rules, no man can know what is libel, or indeed any other offence, and we should be in the worst state of slavery—a total ignorance of the rules by which to regulate our conduct. It is established, that he who calumniates either an individual or a public body, by any writing, is a libeller. Individuals in high public stations, and the grand inquest of Antigua are by this paper greatly slandered. The grand juries in the island of Antigua necessarily require the same protection that the grand juries in this country require, and I am sure they will receive it from you.

I have now laid the case before you, and have stated, as distinctly as I can, the motives which have led to this prosecution. I shall add but one circumstance more, and shall then leave the case in your hands. Even at this moment, if the African Institution, or Mr. Hatchard the defendant, whom I consider as identified with them, will give up to us the author of this libel, I will offer to you no evidence: I will suffer a verdict of acquittal to

be recorded, if that is done—if it is not done, it is absolutely necessary that I should press for a conviction here; for unless a conviction can be obtained in such a case as this, the legislature, the grand jury, the public functionaries in the island of Antigua have no protection in the laws of that country from which they all spring, and to which they have the strongest possible right to look back for protection.

EVIDENCE FOR THE PROSECUTION.

Paul Horsford, esq. sworn.—Examined by *Mr. Murratt*.

Are you generally a resident in the island of Antigua?—I am generally a resident in the island of Antigua.

Of what government does the island of Antigua form a part?—Of the Leeward Island government.

Of the Leeward Islands, of what description?—The islands composing the Leeward Islands are Antigua, Montserrat, Tortola, and Nevis—there are two or three smaller islands of no signification.

Are they all in the West Indies?—Yes.

Mr. Justice Abbott.—Are these called the Leeward Charibbee Islands?—They are.

Mr. Murratt.—Were you present when sir James Leith came out and was sworn in as governor?—I was.

About what time was that?—As far as my memory will serve me, I think it was about the month of June in 1814; I am not perfectly clear as to the month; the year I am certain of; and it was long before the month of August.

Was he governor before the 1st of January, 1815?—Certainly.

Had he in his capacity of governor any colonial aides-de-camp in the island of Antigua?—He had.

Were you one of them?—I was.

How many others had he?—Seven others.

Will you favour us with the names of your co-aides-de-camp?—*Mr. Thomas Norbury Kerby, Mr. Langford Lovell Hodge, Samuel Warner, John Horsford, myself, William Gunthorpe, Nicholas Nugent, and George Ottley.*

Were those gentlemen residing in the island of Antigua, who were appointed as aides-de-camp for that colony?—They were.

Were they, generally speaking, proprietors of slaves in that island?—All of them.

Did those gentlemen, the eight you have named, continue as aides-de-camp while you remained in the island?—They did.

Till you left it?—Yes.

When did you leave it?—I left it on the 22nd of April in the last year.

Mr. Murratt.—That, my lord, is a time subsequent to the publication of the report. I believe you are in the practice of the law yourself in the island?—I am.

Is there a grand jury in the island, or for the island?—There is a grand jury for the island.

Is it a grand jury for the whole island, or for

a district or division of the island?—For the whole island.

What situation do you hold in the profession of the law there?—At present I hold the situation of attorney-general.

I do not know whether you have terms or sessions there?—Sessions.

Which are held generally for the whole island?—Yes.

Is there a grand jury convened to each of those sessions for the finding of bills?—There is.

How often?—Twice a year.

You have two sessions a year?—Yes.

Would it have been incident to your situation as attorney-general, to have known of any prosecution directed by the governor of that island?—Certainly.

Were you at any time made acquainted with any prosecution directed or intended by the governor of that island, against either of his aides-de-camp?—I was not.

Was any bill preferred, to your knowledge, against either of sir James Leith's aides-de-camp, during his government?—There was not.

Could such a bill have been preferred without your knowing it?—Impossible.

Mr. Justice Abbott.—I take you to say, that no bill was preferred against either of them, nor could have been without your knowledge?—I conceive so.

Is it part of your official duty as attorney-general, to be made acquainted with every prosecution? I know in many cases it is so. In Wales, at the great sessions, the attorney-general of the circuit is acquainted with all prosecutions?—In all cases where the king's name is used, the attorney-general appears for the king.

Mr. Attorney General.—It is so in Scotland likewise.

Mr. Justice Abbott.—Yes, the lord advocate there appears for the king in all prosecutions.

Mr. Murratt.—From the date you have given us of your leaving the island of Antigua, I do not know whether the Tenth Report of the African Institution had reached that island?—Not that I know of.

During your residence there, were you cognizant of any such transaction as is alluded to in this prosecution, of any complaint made by a woman to the governor against either of his aides-de-camp, for cruelty to her?—None.

Was any aide-de-camp dismissed during that time?—No.

Were his aides-de-camp residing much with him, until you left the island?—Occasionally with him; never residing in the house with him.

Never residing in the government-house with him?—No; they attended him on duty, but did not make the government-house the place of their residence.

Were you acquainted with any misunderstanding between him and any of his aides-de-camp, on any subject of complaint which had come before him?—None that ever came to my knowledge.

Mr. Justice *Abbott*.—No complaint against any of the aides-de-camp came to your knowledge?—No.

Paul Horsford, esq. cross-examined by
Mr. Attorney General.

I perceive that in your two very respectable situations in the island, if there had been such a thing you must have known it, either as attorney-general instituting such prosecution, or as aide-de-camp to the governor; therefore, you are, as I am, quite unable to point this to any particular person; whatever it may have originated in, whether a publication or any thing else, it does not point to any of those gentlemen?—Certainly.

Doubtless you were consulted before the indictment was framed; you have named every body who at that time came under the description of colonial aide-de-camp to the governor: those eight gentlemen were all to whom that description applied?—Yes.

Mr. Justice *Abbott*.—You said, that it did not apply to any one of those gentlemen; what did you mean to say did not apply to any of those gentlemen?—The statement which has been made as composing the libel.

You mean, that the facts there stated do not apply to them?—No.

Do you mean, that the matter itself does not apply?—I cannot say as to the matter, the facts, it appears to me, can apply to nobody else.

Mr. *Marryatt*.—You know no matter of fact to point this publication to either?—I do not.

Mr. Justice *Abbott*.—You say, the facts do not apply to either of the aides-de-camp, but the matter can apply to no one else but one of them?—Just so.

Mr. *Philip Martineau* sworn.—Examined by
Mr. Curwood.

I believe you are attorney for the prosecution?—I am.

Do you know Mr. Hatchard's shop?—Yes, I do.

In Piccadilly?—Yes.

Did you, on the 30th of October last, buy the book you hold in your hand, at that shop?—Yes, I did.

Was it sold by one of his servants?—Mr. Hatchard was in the shop at the time.

Mr. Justice *Abbott*.—Where is his shop?—In Piccadilly.

Does that purport to be the Tenth Report of the African Institution?—Yes, it does.

Mr. *Philip Martineau* cross-examined by
Mr. Scarlett.

Do you know of the publication of any other Tenth Report since that?—Yes, I do; I have had it sent me by Mr. Lambert, the attorney on the other side.

You know that a new edition was published?—Yes, I do.

In which this passage —

Mr. Sergeant *Best*.—I object to that.

Mr. Attorney General.—I apprehend my learned friend is not founded in his objection; indeed, I ought to beg Mr. Scarlett's pardon, he would support his question better than I can; but I rise to sustain my learned friend's question, to which it does not appear to me there is any objection.

Mr. Justice *Abbott*.—It will be more regular to hear the objection first; you will then know better how to point your answer to it.

Mr. Attorney General.—I will state what the question is, and then my learned friend may point out his objection. Whether in the new edition sent to him, this passage was not entirely omitted?

Mr. Sergeant *Best*.—I submit to your lordship that that question cannot be asked; because, as I apprehend, the Tenth Report itself must be produced in order to see whether it does contain it or not.

Mr. Attorney General.—This is not the time for me to observe upon the topics which have been urged (not but that I thought we might have been in the next cause long ago); I am here to show, that there was no malicious intention, for that the moment the defendant was apprized of this, he cut out all that was charged to be offensive, and sent forth to the world a new and harmless edition, and not only that, but marking it as having omitted something that was not substantiated.

Mr. Justice *Abbott*.—The contents of the written paper must appear by the production of the paper itself. He says, a copy of a new edition has been sent to him. I should think, if you wish to put it in, you may show it to him, and give it in evidence, if you think fit.

Mr. Scarlett.—My lord, I was not asking a word about the contents. I only ask as to the fact, whether a new edition has been published?—Yes, there has.

Mr. Justice *Abbott*.—I have it down, that a new edition of the Tenth Report has been since sent to him.

Mr. Scarlett.—And that is not the copy you now produce?—That is not.

Mr. Curwood.—At what time did you receive this second edition?—It was after Michaelmas term; I think in the month of December.

After you had threatened a prosecution?—After the bill was found.

Mr. Justice *Abbott*.—Why should you go into that? is it not sufficient that when that is produced, the contents of it will appear?

Mr. Sergeant *Best*.—Certainly, my lord.

[The libel was read as follows.]

"The directors are also informed, that about a year ago, the following circumstance took place in the island of Antigua.

A gentleman who held the situation of aide-de-camp to the governor, sir James Leith, having severely cart-whipped a negro woman of his own, who was pregnant, she laid her complaint before the governor, who humanely attended to her story, and dismissed her with some money for herself and a note to her owner. Instead, however, of taking his excellency's interference in good part, the gentleman gave the unfortunate woman an additional number of lashes, and dispatched a note to sir James Leith, who in consequence ordered his secretary to inform the writer, that sir James had no further occasion for his services; on the receipt of this information, the gentleman dressed up one of his negro-boys in his own uniform, and mounting him upon an ass, dispatched him with an insolent note to the governor. He was afterwards indicted for cruelty at the express order of the governor, but the grand jury refused to find the bill."

Mr. *Marryatt*.—Just read what the pamphlet purports by its title to be, whether it purports to be the Tenth Report of the Directors of the African Institution, read at the Annual General Meeting, held on the 27th Day of March 1816.

Mr. *Law*.—It does.

Mr. *Marryatt*.—It is so stated in the indictment.

Mr. *Sergeant Best*.—That is the case on the part of the prosecution.

Mr. *Scarlett*.—Will you have the goodness to advert to the title page? my learned friend, Mr. Richardson, who has the record in his hand, wishes to make an observation upon it.

Mr. *Richardson*.—My lord, according to the record, it purports to be "The Tenth Report of the Directors of the African Institution, read at the Annual General Meeting, held on the twenty-seventh day of March, one thousand eight hundred and sixteen," in words, at full length; the question is, whether it purports so to be; it purports something that is expressed in figures.

Mr. *Carwood*.—By the statute of George the 2nd, you must set out the words at length.

Mr. *Richardson*.—They need not have set it out at all; the only question is, whether if they chose to set it out, they must not set it out as it is.

Mr. *Justice Abbott*.—How is it in the record? in the title page the "27th" is in figures, and "1816" is in figures, and so it is in my copy.

Mr. *Richardson*.—In the record it is in words at full length.

Mr. *Marryatt*.—In the record it is in words, meaning the 27th of March, in the year of our Lord one thousand eight hundred and sixteen.

Mr. *Justice Abbott*.—I think that is its fair import.

Mr. *Attorney General*.—There is one other circumstance which I just mention to your lordship. I am not at all anxious about these things, but I am sure your lordship's accurate eye in looking into these documents, has not failed to observe, that there is a character ascribed to sir James Leith which has not yet been proved; the learned attorney-general of the island has told your lordship, that he was present when sir James Leith was sworn into the office of governor; and I have not called for, I am not entitled to call for, his commission; it is enough, that he acted as governor, if that was all that they charged, but they have said that he was governor and captain general of the island. Now, very often these two commissions may be united, but it is in the power and at the volition of the crown, whether they should be united or not, and it might be extremely proper, and therefore in the will of the crown, that the governor should be a civil magistrate, not having a military character at all, and that the captain general, who would not be wanted for any civil capacities, or for any knowledge of the great civil affairs of the colony, but who might be wanted for his transcendent military character (for he might be transcendent in military character with little acquaintance with the world as to civil affairs) might be a different person, and that the characters might be disunited. Now they have alleged that he filled the two characters, but they have not proved that.

Mr. *Sergeant Best*.—I was not aware that that had not been asked; probably your lordship will save all discussion, by allowing the question to be asked.

Mr. *Justice Abbott*.—Yes, I think so.

Mr. *Attorney General*.—My lord, I apprehend that cannot be. I would submit that though the fact of his being sworn in as a governor can be proved by a person who saw the act of his being sworn in, yet as we know in some of the West India islands, that the noble duke for instance, who at this time fills the situation of governor of Jamaica, has expressly the character of chancellor, the noble duke having no more qualification for the office of chancellor, than belongs to a man of excellent understanding, highly cultivated, and well bred and well educated, yet he, as chancellor, sits as much to decide causes in equity, as the noble and distinguished officer of the crown sits on the other side of the hall, to discharge the duties of lord high chancellor; still I admit, that if any man were to say, I saw the noble duke take the Holy Gospels in his hand—

Mr. *Sergeant Best*.—I will state what I mean to ask, whether sir James Leith has not acted as captain general?

Mr. *Justice Abbott*.—I think they should ask the question.

Mr. Attorney General.—Does your lordship think, that after they have closed their case, they should now be let in to ask that?

Mr. Justice Abbott.—Yes, I think so, on such an objection as this.

Mr. Marryatt (to Mr. Horsford).—What is the description of sir James Leith's character in the West Indies?

Mr. Attorney General.—No, now my learned friend does not put it correctly, and that arises from my learned friend keeping at an awful distance from his client, and those who are united with him.

Mr. Marryatt (to Mr. Horsford).—Did you see him act as captain general and commander in chief?—I have seen him act in all the characters, captain general is united with all the other characters.

Mr. Justice Abbott.—Did he act in the united character?—He did.

Mr. Attorney General.—Are you not now speaking from your memory of the contents of a written commission?—No, I have seen him act, and I am sure my memory of the written commission is perfectly correct.

I do not like your memory of the written commission; for if I were in the island of Antigua, I am sure you, as attorney-general, would not let me talk about the contents of a written commission?—I have seen him act.

Mr. Marryatt.—You have seen him act?—Yes; all commissions issued to the militia are in the character of captain general.

Mr. Attorney General.—In the island of Antigua you have seen him act?—I have.

Have you ever seen him act in any of the other islands called the Leeward Charibbee islands?—No, I have not.

Mr. Marryatt.—Are there separate governors of the different Charibbee Islands?—They are all part of the same government.

Mr. Attorney General.—That depends upon the commission, for it is in the power of the crown to separate them.

Mr. Justice Abbott.—It is in the power of the crown to separate them certainly: you were present when he was sworn in?—Yes.

Was he sworn in as captain general and governor of the island of Antigua, or as captain-general and governor of his majesty's Charibbee Islands?

Mr. Attorney General.—I owe much of apology for what I am about to urge, but I will take this as a question, suggested by my learned friend Mr. Marryatt, and therefore will take the liberty of observing upon it.

Mr. Justice Abbott.—By all means.

Mr. Attorney General.—I submit to your lordship, that is asking the contents of the commission. I do not object to its being

asked, whether he was sworn in as governor, and if it inevitably followed that that carried with it the character of chancellor, chief justice, or captain general, then that would carry all the consequences of those offices with it; but I would submit to your lordship, that his being sworn in as captain general of all the Charibbee Islands cannot be by parol.

Mr. Justice Abbott.—Will you sustain your question, Mr. Marryatt?

Mr. Marryatt.—I submit to your lordship, that whether it is a swearing-in as governor of one island or several islands, is the same thing.

Mr. Justice Abbott.—I should have thought so, if it was Mr. Marryatt's question.

Mr. Attorney General.—I am quite satisfied with your lordship's opinion.

Mr. Justice Abbott.—In what character was he sworn in, as captain general of the Charibbee islands, or as captain general of the island of Antigua?—Captain general of the Charibbee Islands; there is no such office as captain general of the island of Antigua.

DEFENCE.

Mr. Attorney General.—Gentlemen of the Jury:—I rise to endeavour to perform my duty to Mr. Hatchard, under circumstances which are certainly rather novel, and not remarkably agreeable to the person who has to perform it. The course which my learned friend (whose avocations have called him elsewhere, not retiring while he had any thing to do, but having performed all the duty which he to-day owes to those who, to use his expression, have sent him here) has pursued, is an extraordinary, and I think rather an alarming one, for he tells you, that he has been sent here by the command of the legislative body of the island of Antigua. That legislative body send my learned friend here as the prosecutor of an alleged libel upon some individual, who formerly constituted a part of the community of that island!—I will venture to say, in the hearing, and subject to the correction of us learned and as well informed a magistrate as ever presided in the seat of justice, that this thing is done now for the first time. I know that persons who have formerly, much to their own honour and to the advantage of the country, filled the office which (unworthily compared to them) I have now the honour to fill, have been repeatedly ordered by the Commons House of Parliament to institute proceedings in certain cases of libel, but in no case for libels upon private individuals, to whom and to each and every of whom, the courts of our country are open to receive their individual complaints, and who ought, at least in this sacred sanctuary of justice, to meet those whom they would accuse without any extraordinary or unusual influence. The only case is

which any thing is admitted that in the slightest degree differs from that which I state to be the condition of all English subjects, is where, for the protection of the whole community, a branch of the legislature commands its officer to institute a prosecution for something that affects the security of the state; but this is the first time, in the course of a longer experience in this place, than, considering that our days pass away, and that one is hastening forward to the conclusion of them, one has a pleasure to recollect—after a long experience in this place, it is the first time, that my mind has been afflicted by hearing, that any prosecution against which I have had to contend, was instituted by the order of any legislative body. If my learned friend were, by the rules of the court, in a condition to reply to me upon this topic, I know perfectly well the fertility and the resources of his mind, and that he would have something that might, at least for a moment, serve by way of answer to the observation; but when it comes to be examined, it vanishes into air.

My learned friend, let it be recollected, in stating who it was that sent him here, refers to the very respectable gentleman whom he designated as his honourable friend—I am afraid I dare not presume so far—it supposes something of intimacy with him, of which I have not the honour; I respect the honourable individual, though I cannot claim his private friendship. My learned friend stated, without any qualification, that this prosecution in all its parts is instituted for this purpose and under these orders. What! the eight colonial aides-de-camp of the deceased sir James Leith are to have the whole weight of the legislative body of Antigua to bear down a London bookseller, who is supposed to have committed an offence against them!—but my learned friend (for it would have been much too bold merely to have stated that in an English court of justice) adds, that this forsooth is a libel on the administration of justice: on some of the various objects which he states to belong to the prosecution, it will be my painful duty to make a few remarks to you; one of them was to preserve the administration of justice in his majesty's West India islands pure, and to protect the characters of those who are assembled for the purpose of giving purity to that administration, and it is supposed that the Tenth Report of the African Institution is a libel upon the grand jury of the island of Antigua.

Gentlemen, it is a stalking-horse in order to captivate and to run away with you, to talk of this being a libel upon the grand jury of the island of Antigua. What is it that is said of the grand jury?—I pass by the rest of the case to return to it presently—to dismiss this, which I state to be an attempt to carry away unfairly your sober judgments, and to make you believe you are called upon to do that to-day which you would do readily and willingly on any occasion—to protect the pure administration of justice in the most remote part of his

majesty's dominions.—What is said here? that a complaint was presented to the grand jury of the island, and that they refused to find a bill; to which my learned friend, without the least alteration of the tone of his voice, adds because in the West India islands, every man who constitutes one of the grand jury, keeps slaves—every man there has an interest in holding up every thing which his neighbours do in the treatment of slaves, and therefore when you present a bill to the grand jury, even by order of the governor, a thing better spared than practised, you cannot obtain justice if the matter be the ill treatment of a slave. Why, gentlemen, if that had found its way into the report of the African Institution, I should have found the labours of to-day much more severe than they are. If the reporter had said the grand jury of the island of Antigua refused to interfere, however plain the question before them; if they had viewed the dead body of a slave, who, at an advanced period of her pregnancy, had had that which, thank God, we know only by the reports of the treatment, which it is supposed has sometimes obtained in these scenes of melancholy inflictions—I say, supposed to have sometimes obtained—if it had been said that, upon a view of a dead body and a charge of murder against a white master, the grand jury had passed on to other matters, and had refused to find a bill, they would not have heard from me that it was not a libel upon them; but is it a libel upon them to say merely they refused to find a bill?—Look to the tables before parliament, and see how persons accused before magistrates in this, our country, are dealt with, and you will find, that the number of those against whom bills are presented before grand juries, and who are put upon trial, is every year much smaller than that of the persons who have been accused before magistrates. I think I could venture to say, that there is not a year in which there are not very many scores—I should think some hundreds in London and Middlesex alone—against whom complaints have been made before magistrates on oath for the commission of felonies, which charges notwithstanding the grand juries returned, saying—not that there is no foundation for the charge—and that the party is innocent—no, but saying, “Ignoramus—we do not find the bill.” Now, all that is said against this grand jury of the island of Antigua, is, that a bill of indictment was ordered by the governor to be presented to the grand jury, but that it was not found. This is charged as a libel. Mr. Hatchard is a mere scape-goat, to whom in the beginning, the middle, and the end of my learned friend's speech, there was an invitation that he should make his peace on very cheap terms, if terms could be cheap which involved a dereliction of his character and his honour; and the African Institution might receive their deliverance upon very cheap terms, if baseness were consistent with those principles on which they have acted in the administration of that Institution. My learned friend

has thrown out, that upon these cheap terms, even if they do not appear to men of honour to be extremely cheap, Mr. Hatchard may to-day go free.

I am much more anxious—as it respects the character of the publication, and those from whom the publication proceeded, as it respects the original information communicated to them, upon which they acted in the most perfect good faith, and in the persuasion that they were stating that which was capable of proof by very many witnesses;—I am much more anxious to deliver the author, the printer, and the publishers from any imputation of a libel upon the administration of justice, than upon that which remains afterwards to be discussed.

We now come to consider what remains upon this record; and here I persuade myself, that I shall have no difficulty in carrying my lord along with me in the observations I have to make.—What is a libel? A libel is a slander upon the character of some individual; and if that individual will come into court in order to complain that he has been traduced by a written libel—if his name be John Thomson (to borrow a name for the purpose), and the libeller says of John Thomson, that he has been guilty of any crime which renders him a disgrace to society, he has nothing more to do than to say, that he published that libel of John Thomson;—but, if intending to libel John Thomson, the writer of the publication says, a certain man who lives at the corner of a certain street, near to a great square, and who has in his window a golden cannister, committed such and such a crime, John Thomson cannot come into court, and say that is a libel of and concerning him, without doing something more; he must allege, that that description of the man who lives at the corner of a certain street, near to a great square, and who has in his window a golden cannister, is of and concerning him John Thomson:—and it is not enough, that he puts it upon the record, but he must prove it by some person who will swear that he understood it to relate to John Thomson; and then it is open to those who conduct the defence, to ask the cause of such his belief.

I will not mention the name, but I remember very early in my professional life, before I was called to the bar, being present when one of the most illustrious characters of the period in which we have lived—who very soon left us to serve his country in a most distinguished station, and most difficult in which his country could require those services—I mean Mr. Pitt—and another great man, a friend of mine, the present lord Erskine, being concerned for a person charged with a libel. The description of the prosecutor was, that he was tall and proud. A witness was called into the box to say that was of and concerning the prosecutor, and the witness was cross-examined.—“Do you mean to say that Mr. A. B. the prosecutor” (I choose to call him so to avoid the name) “is tall and proud?” “Why, you will

agree with me he is tall.” “Yes, yes, but will you say he is proud?” That was a difficult question to the friend of the man described as proud; but the witness felt no difficulty; he said, “To people in general I have no doubt that the person of whom you are speaking is considered to be proud; his manners are retired with respect to strangers; I, who have been honoured by his acquaintance and intimacy, know that he is a very affable and a very kind man, but I have reason to believe that those who do not know him so well, consider him as proud;” there are two qualities, one which does belong to him eminently, for he is tall; and the other, which the world ascribes, that he is proud. Now, to apply that; suppose among the aides-de-camp of sir James Leith, there had been any gentleman remarkable, not for that for which I have no doubt in the world the learned and respectable person who has been called as a witness, the gentleman to whom the island had to look for advice as attorney-general, was remarkable; suppose he had been distinguished for some extraordinary absurdity of manners, or some extreme deformity of person, and a person had said, that soldier, that remarkable aide-de-camp of sir James Leith, that man who was always dancing about like a merry-andrew; suppose he had Saint Vitus's Dance, or any malady which made him unsteady in his gait, or without putting that which might give any body offence, describing some personal remarkable circumstance about him, and then it had been said, “why he cart-whipped his slave four months gone with child; this was represented to the governor, the governor reprimanded the gentleman for it, gave the woman some money, and told the gentleman he had no further occasion for his services; upon which this dancing gentleman,” following up the description I have supposed, “took offence; dressed up one of his slave-boys in his own uniform, and sent him with an insulting message to the governor.” Suppose the gentleman's brother had been called, and asked—whom do you understand to be represented by this aide-de-camp, who was reprimanded by the governor?—he would say, my brother, the attorney-general, because he is described by a circumstance which belongs to him; he has a complaint which makes him unsteady in his walk; and I am sure, by his being described as dancing about, every body so understood it. If that had been charged as a libel of and concerning this gentleman, it would have been a question to be left to you, whether the libel was not meant to apply to the gentleman to whom it was stated to allude; not that I mean to put any case disrespectful to the learned gentleman, who has been called; in all I say, I mean to treat him with the greatest possible respect.

But let us now come to the libel in question, and see whether there is a possibility, whilst the law of England continues as it is, that Mr. Hatchard, or any body else, can be said to be within the present indictment. The libel itself

speaks of one individual, and one individual alone; not of eight, not of any number exceeding one, but one individual alone, and without any thing to separate him from the other seven aides-de-camp, who were equally colonial aides-de-camp to sir James Leith, at the time to which it has reference. What is the evidence we have upon the subject? is there any application of it to any one of them? The learned attorney-general tells you, there were but eight aides-de-camp in the island.

Mr. Richardson.—The indictment charges it to be a libel of and concerning some one of the eight.

Mr. Attorney General.—Gentlemen, I was speaking of the evidence—and what my learned friend has suggested to me is convenient, because this is the proper place to call your attention to it—the libel is of and concerning some one of eight persons; you cannot say, by your verdict, we are of opinion Mr. Hatchard has published a libel of and concerning some one of eight persons; it would be a bad verdict. You must say, upon your oaths, we are of opinion, upon the evidence before us, that the defendant is guilty of publishing a libel against A. B. or C. D., or any other of the two combined letters in the alphabet, describing Christian and surnames,—he is guilty of publishing this of and concerning one particular individual; let us see whom you can say—was it the attorney-general, Mr. Horsford? I asked the witness: he says, no; there is nothing that points to me particularly; it would be easy to point to me:—if he meant to apply this to him he might say, a man holding one of the highest legal situations in the island; nobody after that would have doubted that he meant Mr. Paul Horsford, the attorney-general. But he goes on and tells you, it is impossible for any man alive to single out any one of these persons to whom it is supposed to apply, more than another; for as to all of them it is false. “I had the means of knowing,” he says, “if any such complaint was made to the governor; I must have known if any indictment was preferred, and the draught of it must have had my signature to authorize its going to the grand jury; I must have known of the reprimand of the governor, and the dismissal of the aide-de-camp; and I cannot give you any one by conjecture, imagination, or guess, on whom you can affix this: and if you called not only me, but if you called the whole white population, there is not a man who could tell you what name you could insert in a special verdict, as that of the individual of and concerning whom Mr. Hatchard was guilty of publishing this statement.

Now, let us see what more appertains to the case now presented before you. I am one of the last persons who ought to attempt to mislead you upon the law that belongs to this case; but, before you find Mr. Hatchard guilty, you must be persuaded he had an intention to fabricate

some story to bring these gentlemen, or some one of them (leaving it to find its way amongst the eight as it might) into disgrace or disrepute. I regret exceedingly the course which my learned friend has been ordered to take. It is one of the illustrations of the mischiefs which cannot fail to attend a legislative body ordering prosecutions. It will be much better to leave persons who feel that their individual comfort, satisfaction, and character, have been broken in upon, to find their own way—which they do without the slightest difficulty—into a court of justice, to seek redress; rather than to attempt, by influence and authority, to give effect to that which wounds neither their individual comfort, satisfaction, nor character, if it be founded in fact and justice. My learned friend is ordered to take the course he has taken to-day. To me who have known him thirty years, who have been acquainted with his discretion and prudence in the management of business, it was not necessary that he should say he was acting under orders. It is an expression we should use as to a particular client, who orders one not to refer a cause, or to call witnesses, when one's own judgment inclines one to do so; but here is a legislative enactment of the island that Mr. Sergeant Best shall be called here—he has an advantage that he is a legislator here; and there is an act of the legislature of Antigua, ordering him not only to conduct this prosecution, but to conduct it in a certain mode and manner.

My learned friend, in his other character of a member of the British legislature, has an opportunity of discussing all the topics he has addressed to you to-day; and he cannot exercise it too often, either for his own honour and credit, or for the instruction of those who hear him, in assisting in the deliberation of great matters of state. I am sorry that my learned friend, who has an opportunity of discussing elsewhere all these questions on the policy to be exercised as to the African population taken from home and transplanted into the West Indies, or the conduct of whites towards them, or the effect of regulations there, should have thought this a convenient place to introduce those topics. I will abstain from following his example. I am one of those who think there is much mischief in these discussions, and that wise men would have paused before they would have suffered themselves to be compelled to institute a prosecution for a libel upon an individual, that might by possibility be attended with such consequences. My learned friend knows (because it is one of the things of which these gentlemen complain) that that population to which he has alluded, and which I shall keep as clear of as possible, are persons who read, and read with avidity, every thing that passes in this country with respect to their condition;—that every thing that passes in another place (where it must pass, where it is not matter of choice whether it shall pass or not, where the interests of the

community, including their happiness and comfort, are paramount considerations, which must have their period for deliberation, discussion, and determination) is read by them. I say, a wise and prudent man would have paused a good deal before he came into a court of justice, if he could avoid it, to urge any of those topics, so inflammatory, so dangerous, so capable of misrepresentation to the extent my learned friend has put them.

Sure I am that the present prosecution might well have been spared. What is it that induces any man to institute a prosecution for libel?—Are there not many persons here, besides the speaker, who have been the subjects of libels out of number, who have not thought it necessary to obtrude them on the consideration of courts of justice? But there sometimes arrives a period at which a patient man, who is not disposed to make his complaint, may, notwithstanding, find it necessary to come forward when he believes there is a malignant libeller, who, for the purpose of destroying his fame, and ruining his peace and that of his family, puts forth to the world knowingly, and for the purpose of mischief, that which he brings into court in the shape of an indictment for a libel to punish the offender.

Now what is the character of that on which you are called on to day to decide? and what is the object of those who have sent my learned friend here, under their legislative order, to make these the subjects of discussion, knowing that what passes here will be read in Antigua?—And it is the knowing that, which makes me acquit myself of the duty I owe Mr. Hatchard with little satisfaction to myself. I am ill at ease. God knows. I do the best things badly, but I am far short of feeling satisfaction here: when I am about to submit a sentiment to you, I am pulled back by the spectre of the consequences that would arise. I feel that however causelessly this is brought here by those who have sent my learned friend, I must endeavour to do my duty as a good citizen to the state, as a friend to the black population of the West Indies, and no less a friend to the white; for where in Britain can be found a man who can feel a disposition to be an enemy to the white population? I hope they have not got the length of saying, every white man must be an enemy to the whites in the West Indies, who wishes to increase the security, and exalt the character of those who constitute that population, by exterminating abuses which in every community are unfortunately to be found. Unless such men must necessarily be the enemies of the white population of the West Indies, there is no person who feels an interest on my side of the case, who is not only not an enemy to them, but who does not show in every moment, and does not feel in every pulsation of his heart, that he is the kindest friend of that population. My learned friend talks of numbers and physical strength, and of the comparative condition of this part of the community and the other. This I will say, if

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any body thinks it worth while to remember what I say, that the best protection is kindness and Christian affection to those placed under their authority, and that those who have laboured to bring forward this reformed and improved condition, are the best friends of both.

Mr. Hatchard the Bookseller wants no introduction in this place; he is one of the most respectable tradesmen in the metropolis; he has been carrying on a business, always attended with peril and danger, in such a manner as to exempt him (until the legislative body of Antigua have ordered him to be prosecuted), not only from prosecution, but from reproach. Look at the shelves of his warehouse, the contents of them are calculated to promote and increase science and useful knowledge; to enlarge the sphere of the moral fitness of mankind; and I will venture to say, that no purchaser who leaves his shop, can make a selection which has not the object of making him a better man than he was before the purchase. This is the man to-day brought before you, for publishing a libel on the grand jury of the island of Antigua and on an unnamed and undesignated a not-to-be-found individual. I am obliged to take liberties with language, to describe the anomalous condition of men—not-to-be-found.—This man of virtue and integrity, is supposed to have published this, with a view to traduce the character, either of the grand jury in its aggregate character, or some one of eight individuals who fill the offices of aides de camp of sir James Leith.

Well, but my learned friend is not ordered by this supreme authority to consider that Mr. Hatchard meant any thing wrong—he did not tell you so—he does not state it if he had been; and I am sure he would tell you he believes Mr. Hatchard never read the tenth report till after the prosecution. Still a bookseller who sells a book, must be taken to have read it. I am not attempting to deceive you; but Mr. Hatchard, by my learned friend, is considered so innocent, that you could not fail to observe, how concerned he was to let him walk away and tell his family: ‘Oh, it was but a summer’s cloud, there is no interruption to our happiness, nobody believed I was malignant! I was the instrument of doing something that brought me within the scope of an indictment, but there is no harm done, and I go free.’ Upon what terms? Why, says my learned friend, only give up your author, that is all we want of you. And then my learned friend’s own mind immediately suggested to him the probable condition of the author. He is in Antigua, says my learned friend—is he in Antigua?—give up your author:—he knows that Mr. Hatchard cannot give up his author.

Well, but then the African Institution, what will you do about them? Why, I have told you already, they have not desired me to conceal it, in their title page it is stated to be the Tenth Report of that African Institution. Why, I think, we might as well have had an indict-

ment against them. My learned friend gave us a hint at the persons composing that body. It would have been a very good indictment, on the precedent of the present, to have said, that all the African Institution, or some one of them (I have seen such indictments, where they know very little about indictments), that all or some one of the African Institution published this, and therefore, you the jury, be so good as find out some one; I will give the names of all, and as it is published in their names, find out one whom you can say you will find guilty of having published it. Well, but the African Institution published this with a malicious intent to injure either the grand jury, or some of these individuals, the aides de camp of sir James Leith. The African Institution consists of persons who I hope will be spared, by the providence of God, long to add to the blessings they have for many years been conferring on their country in various forms and shapes; and if it should please God now to terminate their useful career, we shall, as to some of them in particular, find their characters in the page of history amongst the most illustrious benefactors of mankind. They have been labouring incessantly to break the chains of bondage, and to prevent the scenes of horror, desolation and bloodshed, which tore parents from their children, and children from their parents, and took them to a foreign shore, to endure great hardships in the voyage, their lives not being mended after that transatlantic voyage—they have for twenty years been labouring, with splendid co-adjutors, who are gone to their silent graves—and have found still much to be done. I repeat it again, they have done it for the benefit of the black population, and at the same time for the benefit of the whites, by whom they are surrounded.

In their anxious desire of doing this, they communicate to each other, and, by the press, to the public, the reports of the transactions of the Institution of which they are distinguished members: they cannot record the transactions in the West Indies as eye-witnesses; but they have established the means of intercourse and correspondence with some of the most respectable persons to be found there, from whom they receive what experience has taught them to be authentic, correct, and fair representations of scenes they think it necessary to communicate. May it not happen—must it not happen, in the state of things in which we mortals are placed, that into all such transactions error occasionally may creep? May it not happen that a humane and benevolent person, known to be corresponding with the Institution for bettering the condition of the people of Africa, may be imposed upon by benevolent persons who wish to promote their object, who are themselves imposed upon as to the fact they narrate, and perhaps in too glowing colours observe upon it? Is it quite inconsistent with our experience to believe, that those who are anxious to make these subjects, subjects of

public and popular discussion, to have them made the subject of tract upon tract, and treatise upon treatise, till we are tired of the postman bringing them to our door;—is it quite inconsistent with our experience to know that persons may be found in the community of the West Indies, who will send what they know to be false, to a person who they know is likely to communicate it to those whom he corresponds with at home, to draw their reports into disgrace, and make them afraid of going on with the work, to bring them into disrepute?

Well, but my learned friend says, "Mr. Hatchard, give up the author:"—he knows he cannot; but says he, "Now let the African Institution give up their author;—what have they done to quiet the feelings of the grand jury of the island of Antigua? or the unnamed, undescribed, not-yet-found aide-de-camp of sir James Leith?"—What have they done?—why, my learned friend told you, that by possibility you might hear of some papers which have been published by the African Institution, that if they should be produced (now that was very safe—without telling you a word of their contents, he says, if they should be produced) I will convince you they are much worse than the original thing of which I complain; they are not produced, and I will not go a step beyond what the evidence entitles me. I have received instructions from my lord how far we can go on the subject; but this I will state to you, that the Tenth Report, containing that piece stated to be a libel, was published, and that the piece was afterwards omitted in a second edition, which was in the hands of Mr. Martineau, the respectable solicitor for the prosecution. Very well; has any thing been done by this unconscious offender—by this man who believed every syllable, and every iota of that which was committed to paper—to remove the effect supposed to be produced by this publication? My learned friend says, "Give up your author;" I said just now that would be cheap, because we should have gone away, or gone into the next cause long ago: but if these persons had done that, what would have been the consequence? According as men who by their extraordinary virtues have exalted themselves, condescend to acts of meanness, baseness, and treachery, so their fall, like the fall of the fallen angels, is more to be deplored than the fall of ordinary men, who have not raised themselves to that elevation: and what is proposed to those gentlemen of whom my learned friend cannot speak without covering them with praise, and mentioning them in the manner in which the whole world esteem them? What is proposed, is this:—You did not fabricate this; we know you are above doing it, Mr. Hatchard; we know that you received it from some correspondent in the West Indies; give us the name of your correspondent, and you shall go free. Gentlemen, I wish I could, as an individual, claim more of intimate knowledge with these

illustrious persons than I can presume to do without arrogance and vanity; but I should have no hesitation in saying to them, in their congregated character,—and to each of them, royal and illustrious as one is,* and not more distinguished by his descent and title, than by his virtues and inestimable qualities,—I should take an opportunity of saying, or if not, I should feel—You have forfeited your claim to public estimation, you have laboured long to pass your life honourably and for the benefit of the public; but in a moment of folly, to protect yourselves from the conduct of the legislature of the island of Antigua, you have forgotten all that is due to the labours in which you are engaged, and the character to which you are exalted, and to ruin and destruction given up a man who without intending harm has sent a communication which you have innocently published to the world. The thing is impossible: these gentlemen, at the time they printed it, believed it; and if the legislature of Antigua come here, which I do not mean to question, that the matter may be examined in one of our courts of justice, and that if injury has attached upon any person, his character may be restored; all that they have had; my learned friend knows they have had it long ago; but if it were necessary here now, not for me the humble advocate, but in the name of the institution, who are called upon by my learned friend, or I would not introduce them here to-day; I say, that which they do not say tardily now—which they do not say in the last moment when they are on trial for their character, and when Mr. Hatchard is on trial, whether guilty or not, but which they have said as soon as they could with justice and truth say it—and in no sparing terms—they have a perfect conviction, that the story as it is related, with respect to any of the aides-de-camp of sir James Leith, upon the record read to you, has been transmitted to them by a person who believed every thing he wrote; but they are satisfied there is no foundation for it. I have told you I would not go beyond that which the evidence justifies, and I will not. The Tenth Report has been published, containing this—the Tenth Report, a new edition, has been published—strictly, I cannot ask what it contains.

Mr. Justice Abbott.—Even if you had it in evidence, it does not apply.

Mr. Attorney General.—No, my lord.—Gentlemen, I will not trespass on the rule of law laid down by my lord, I will not ask what it contained; but in the first edition the libel complained of was published, and the African Institution has published a second edition, in which it is omitted.

I regret having taken up so much of your time; but I found it necessary to take some notice of my learned friend's address, having taken care that it should be as little as possi-

ble, because I know that this case ill deserves it, except as it may be made the instrument of mischief; for it will find its way to those places, where every thing that is said is capable of great mischief.

There is no proof here of any application of this libel to any person you can name; it is not a libel on the eight, as if it had said—these gentlemen all sir James Leith's aides-de-camp are a set of raggamuffins, they got together in a brothel, and broke the windows, and so on—that would be a libel on the eight: but you have no aide-de-camp pointed out. I do not repeat the arguments of the perfect innocence of the intention of Mr. Hatchard, or of those whose instrument he was; but I submit, under my lord's direction, there is not any ground upon which you can say—we, under the solemn sanction of an oath, think he is guilty of publishing a libel on one of the eight.

Mr. Marryatt.—I apprehend that it will not be improper for me—

Mr. Attorney General.—My lord will state the law.

Mr. Marryatt.—I will state an authority.

Mr. Justice Abbott.—If Mr. Marryatt had not risen when he did, I was about to invite him to do so. I was about to put this question. By the evidence, it seems to me it is not fixed as a libel upon any one of the eight; it struck me, therefore, to ask Mr. Marryatt how he could sustain any of those counts in the indictment, which charge this to be a particular libel against one individual. The first count, treats this as a libel upon all of them. A slander in the ambiguous language which this pamphlet contains—namely, that one of such persons has done so and so—may be calculated to excite a suspicion in the minds of the public against each of them; and as your first count is adapted to such a case, I will point out the difficulty a little in detail. The first count relates the libel to be of and concerning the eight by name.

Mr. Marryatt.—I have a case in my hand, my lord, which answers the inquiry most decisively: and I was surprised at my learned friend the attorney-general addressing himself to that point; because this court has decided, in former times (and there is no authority to impeach it) that where a libel is specifically pointed at some one of a given body, with nothing to designate him, with nothing to apply it to one rather than the others, it is a libel on all. The authority I refer to is the *King v. Jenour*,* where the libel was of and concerning an East India director; not naming him, not pointing him out specifically, and with nothing to direct it to one of the twenty-four rather than the others. They joined in an application for a criminal information: it

* H. R. H. the Duke of Gloucester.

* 7 Mod. 400, 1 Russ. 305. See also R. v. Williams, 5 Barn. Ald. 595.

occurred during the time sir George Lee was chief justice. Mr. Solicitor General and Mr. Brown moved for an information against the defendant, for printing and publishing a libel against the East India Company, in an advertisement in a paper called "The Daily Advertiser," dated October 8th, 1739, in the words following: Whereas an East India director has raised the price of green tea to an extravagant rate; the same gentleman being concerned with the Swedish East India Company, the English proprietors hope he will find some measure to raise Bohea tea in Sweden, that the company may have an opportunity to ship off some of their bad Bohea tea instead of having it burnt as usual." And there was a rule to show cause why an information should not go against the defendant for printing and publishing a libel against the directors of the East India Company.—I omit the arguments of the counsel which were in substance pretty much what have been urged to-day on the part of the defendant. Then, my lord, the chief justice says—"It is not insisted that the matter of the advertisement does not import what is libellous; it charges somebody with being concerned with the Swedish East India Company, which is certainly a reflection upon the person who is said to have acted so. The rule is, for the defendant to show cause why an information should not be filed against him for a libel upon the directors of the East India Company; and it is objected to, as not being a libel against all of them: but the advertisement seems equally applicable to every one of the directors. Where a paper is printed equally reflecting upon a certain number of people, it reflects upon all; and readers, according to their different opinions, may apply it so. It has been the rule of this court, always to endeavour to prevent libels upon societies of men. Where the persons reflected upon are quite unknown, the Court will not grant an information. In the *Jews case*," which is referred to as having been decided in Trinity Term, 5. Geo. 2nd. "it appeared by affidavit that the persons upon whom the reflection was made were moved"—there must be some mistake there, I do not know what it is,—"but the Court held, that for the printing such an account of the Jews, as would tend to make people believe them so barbarous as to burn a woman and her child because it was begot by a Christian, the information ought to go. Now, as this is equally applicable to all the directors, the readers may equally apply it to any one, which is the inconvenience this court always endeavours to prevent. If a man says A. B. C. and twenty more, naming them, are some of them guilty of publishing a libel, I think an information would lie for it; and as this, upon the face of it, amounts to a libel, I think the Court ought to grant an information." Mr. Justice Page expressed himself of the same opinion. Probyn, Justice—"When a man says a member of a company, a director, &c. has committed an offence, it is a

reflection upon the whole body; for it will be hardly understood, that one member alone could raise the price of green tea—and he afterwards names the company. I think this deserves the animadversion of the Court. The advertiser ought to know the author of this, and to produce him."—Chapple, Justice—"It is not necessary to give any opinion how the information must be drawn, or whether it must be a libel against all the directors. It seems to be a reflection upon all the directors, and the conclusion of it seems to throw a general reflection upon the company. As it points out none in particular, it must reflect upon all, and create a distrust of them in the public; and, therefore, I think the rule ought to be made absolute; and it will be for the jury's consideration, whether this reflects upon all the company."—Lee, Chief Justice—"The must be made absolute." The defendant being found guilty upon this information, was adjudged, in Easter Term, 1741, to pay a fine of twenty marks.—Now, my lord, in the case I have cited, the libel only said "an East India director"—pointing out no one, and containing nothing to show its applicability to one rather than another.

Mr. Justice Abbott.—I have not the least doubt this indictment might have charged it in such a form as to suit the case; because, if a party publishes a libel against one of a number, without naming him, it is for the jury to say, whether it is not the object of the writer to excite suspicion against each of them. Here the libel is predicated to be of and concerning the eight; and those words create the difficulty in my mind. If those words were out of the first count, I should not have felt any difficulty at all. But, perhaps, the best course is for the jury to say, whether this libel has the natural effect of causing suspicion to be excited, and of defaming all the eight, by reason of its ambiguity; and if the evidence is not sufficient to sustain such a verdict, you can move the Court.

Mr. Scarlett.—I think, your lordship will see, the moment you see the libel—

Mr. Justice Abbott.—I have not the slightest doubt that it will bear the interpretation.

Mr. Scarlett.—The case my learned friend has cited, is one in which the libel clearly related to some act of the body. I do not mean to say, that individuals may not be libelled in the mass, by selecting one, and describing the rest; but in that case no one director could raise the price of tea. One man was named, but it was an attack on the company. Lord Chief Justice Lee says, if a libeller were to name twenty-four persons in a libel, it would be a libel upon all: and here, if the aides-de-camp had been all described, or named, and something stated that one had done, it would have been a libel upon the whole; but here the words, "a person who held the situation of aide-de-camp to sir James Leith," are a *descriptive person*.

Mr. Justice Abbott.—He speaks of one only.

Mr. Scarlett.—If he had named them all as aides-de-camp, and said one did so and so, it would have been a libel on the whole: or if it was said he did it in the character of aide-de-camp, it would have been a libel on the whole: but here it is a mere *descriptio persone*, and it might have been said with as much truth that it was a libel on the whole population. It is no more to be inferred that he meant to attack the particular body of aides-de-camp, than the general proprietors of estates in the country; it is a mere *descriptio persone*, and he is not charged with an act done *qua* aide-de-camp. But if it is to be supposed that he meant only an individual, how can it be said that he contemplated the body at large, or had any intention against the body at large? Therefore it seems to me that the real meaning is this,—that the writer supposed that a single individual, whom he meant to describe, had done so and so, without reference to the other aides-de-camp, because it is not said to have been done in the character of an aide-de-camp: the first count, therefore, cannot be supported in any way.

Mr. Justice Abbott.—I have not the slightest particle of doubt that a count might be so framed as to make this a libel upon the eight; for if it were otherwise, a person might publish a libel of one of eight persons, and, the facts being false, no human being could apply it to any one of them in particular, and he must go unpunished, though he may have brought eight persons into slander and reproach. I will take the opinion of the gentlemen of the jury, (though I give my own in point of law), whether this publication has the effect of bringing the several persons who fill the situation of aide-de-camp, into suspicion and disgrace? If they think it does, they will find him guilty on the first count; and you shall be at liberty to apply to the Court to set aside that verdict.

Mr. Richardson.—Should not the opinion of the jury be taken, my lord, whether the paper is a libel of and concerning the eight?

Mr. Justice Abbott.—I think it is not:—I tell you it is not—it is the introduction of those words that excites all the difficulty.

Mr. Scarlett.—I never meant to dispute what your lordship says, that this might have been a libel on the eight if the party had intended to point to the eight.

Mr. Justice Abbott.—That is the question on the Record: you will have the benefit of that.

SUMMING-UP.

Mr. Justice Abbott.—Gentlemen of the jury; this is an indictment against John Hatchard, for the publication of a supposed libel. By the indictment, two distinct characters are given to this publication; one is, that it has a

tendency, and is calculated to defame the several persons who filled the situation of aide-de-camp to sir James Leith, who was the governor-general of the leeward islands, at the period alluded to in the publication; the other is, that it has a tendency to, and that it is published therefore with the intention of bringing the criminal justice of the island of Antigua into disrepute, by representing that criminal justice there was not duly administered on the behalf of slaves. These two characters, you see, are perfectly distinct; and I shall by and by request the favour of your opinion on each of them.

The indictment in eight separate counts, further charges this to be a libel on eight separate individuals named in those counts; but it has turned out in the evidence, to be impossible to apply it to any one of those eight—impossible, because the libel does not designate any one of them further than by his situation of aide-de-camp—and impossible because the fact mentioned in the publication is wholly false and groundless: if there had been any colour for it; if there had been any rumour in Antigua or in England, applying to a particular individual, it might perhaps be said the publication applied to that individual; but there is nothing of the kind. It appears to me, that the facts stated in the libel, are proved, by Mr. Horsford, to be false and groundless.

Before I proceed to direct your attention to the particulars of the publication, and to the precise points that arise out of it; I would make one or two remarks upon some topics which have been introduced to day, and which do not appear to me to have any relation at all to the issue you have to try. This publication, and your verdict, have nothing at all to do with any general question relating to the slave-trade or its abolition, or with the manner in which persons in that unfortunate situation are or ought to be treated. No general question at all is involved in your verdict; neither is it of any importance, whether the prosecution in question has been instituted under the direction of the legislative body of the island of Antigua, or not. It is quite immaterial to a jury, who are to pass a verdict of guilty or not guilty on an individual, who or what his prosecutor may be. It has been said, that the object of this prosecution was not so much to punish Mr. Hatchard the publisher, as by the medium of a prosecution against him to compel a disclosure of the original author of this slander: with that you seem to me to have as little to do as with the other topics. There is no doubt that by the law of this country, and of all other civilized countries, a printer or bookseller is answerable criminally as well as civilly, for the contents of the books he publishes, no less than the author of them. If, indeed, the law should be otherwise, reputation, the protection of which is one of the greatest objects of the law, as much as the protection of property, and scarcely less than the protection of life itself, would be wholly unprotected; for if publishers

were not answerable, as the authors are generally unknown, slanders might be circulated to any extent, and on any subject, without any possible means of prevention or punishment. It was not indeed pretended by the advocate for the defendant, that Mr. Hatchard is not answerable for this publication, if in your opinion it should turn out to be criminal. As little have you to do with the question, whether there has been a second edition, or what may be its contents. A person cannot relieve himself from a charge of libel by publishing a contradiction, even on the next day. That is matter for consideration at another time and place, but does not lead to an acquittal of the original charge.

Gentlemen, you all know very well, that the injury that is done to the reputation of a particular person by a publication of to-day, cannot be remedied by a retraction to-morrow. Many of those who see the original, may never live, or be in the way to see the contradiction of it; and in the mean time if they see it, great mischief must be done, irreparable injury may be suffered. As little have you to do with the body by whom this publication is sent into the world—I mean the African Institution: because, however high and honourable the individuals who compose it may be, however laudable and praise-worthy their general views; yet if in the prosecution of those views, laudable as they may be, they put forth to the world slanders upon an individual, or upon any body of individuals, or upon the administration of justice in any particular place, they are as much amenable to the law for such an act, as the meanest subject of the country.

Having made these observations with a view of relieving your minds from the matters which have been pressed before you, and which do not appear to me properly to bear on the questions you have to decide; I will now proceed to state what the libel is, and the two questions that appear to me to arise upon it. It is a passage contained in a book, purporting to be the Tenth Report of the Directors of the African Institution, read at the Annual General Meeting held on the 27th day of March, 1816. This Institution, gentlemen, was established, I have no doubt, and has been prosecuted and carried on, for the most laudable purposes; and so far as they may make private communications to each other of what they shall hear from foreign parts, with a view to the conduct of their own designs, so far they will be acting lawfully: but if they depart from that, and put forward to the world at large, slanders on an individual, or on a body of individuals, they are not less amenable than they would be if they did so in any other character. "The directors are also informed, that about a year ago, the following circumstance took place in the island of Antigua. A gentleman, who held the situation of aide-de-camp to the governor, sir James Leith, having severely cart-whipped a negro-woman of his own, who was pregnant, she laid her complaint before the governor,

who humanely attended to her story, and dismissed her with some money for herself, and a note to her owner. Instead, however, of taking his excellency's interference in good part, the gentleman gave the unfortunate woman an additional number of lashes, and dispatched a note to sir James Leith, who in consequence ordered his secretary to inform the writer, that sir James had no further occasion for his services. On the receipt of this information, the gentleman dressed up one of his negro-boys in his own uniform, and mounting him upon an ass, dispatched him with an insolent note to the governor." So far you see, gentlemen, the matter relates to one of the aides-de-camp of sir James Leith. Now comes the other part. "He" (that is, the person who is asserted thus to have conducted himself) "was afterwards indicted for cruelty at the express order of the governor, but the grand jury refused to find the bill." Now this is put forth to the world as information given to the directors of the African Institution. It is to be lamented, that before they, or any other body of men, publish information which they may have received from channels of private correspondence, and which channels perhaps with great propriety they refuse to disclose—it is to be lamented, that before they publish that information to the world, they do not take the pains to inquire whether the information be correct or not. Now here sir James Leith is pointed at by name; and therefore if any application had been made to him, previous to the publication of this matter, it would, as we must infer from the testimony we have received this day, have been answered in such a way as to satisfy them that the information was false:—unfortunately they have placed too much reliance upon the person who gave it them, and have sent it abroad to the world by the publication I hold in my hand.

Now, gentlemen, the publication, in the first part, imputes great cruelty, and conduct in the highest degree improper, to an aide-de-camp, without naming him, of sir James Leith. I need not repeat the evidence; it shows, that there is no foundation for the story. The witness called, was one of the aides-de-camp; and if what is stated had passed, he could not but have known it: he says, no one was dismissed: he filled the situation of attorney-general of the island; and in that island, as in part of our dominions at home, namely, Wales and Scotland, no criminal prosecution is carried on without the knowledge of the attorney-general or public prosecutor; so that if there had been any indictment, he must have known it in his official character, for he was resident in the island at the time. It appears by his evidence, that at the time to which this publication refers, there were eight several gentlemen who filled the situation of aides-de-camp to sir James Leith; the publication does not name any one of them, nor does it contain any matter by which any person acquainted with all of them, might apply it to one in preference.

to the others—it is in these general terms: “A gentleman who held the situation of aide-de-camp to the governor,” did so and so. Now there were several persons who held that situation; therefore it will be for you to say by your verdict, whether you are of opinion that this publication, most manifestly false, and most manifestly reflecting upon some one of them, was calculated to bring all of them, by reason of the uncertainty, into public suspicion and disgrace. It is said, persons reading this publication, and knowing that such and such gentlemen filled that situation, would be led to say it might be this, or it might be that; one person may fix on one as the object of the slander, another upon another, another upon a third, and so on through the whole number: that may be the case; and you will, if you please, gentlemen, tell me whether you are of opinion that this publication, ambiguous as it is, (a “gentleman,” without naming him) and utterly false as it is, and for these two reasons incapable of being applied with certainty to any one of them, is a libel calculated to raise suspicion against all, and bring them into disgrace: if you are of opinion that it has that effect, you will say the defendant is guilty on the first count.

The other question, which refers to the latter part of the publication, applies to the last count of the indictment; it is in these words:—“He was afterwards indicted for cruelty at the express order of the governor, but the grand jury refused to find the bill.” This follows the allegation of particular facts before rehearsed; and is said, in the last count of this indictment, to have been published in order to cause it to be believed, “that criminal justice was not duly administered by the grand jurors there on behalf of slaves.” If you think that the publication has that effect, and is naturally calculated by this insinuation to cause a belief that criminal justice was not duly administered by the grand jurors on behalf of slaves, you will say that the defendant is guilty upon the last count also: if you think it has not that effect, you will acquit him.

Now it is urged to you for the defendant, that the clause—“but the grand jury refused to find the bill,” does not cast any imputation on the grand jury; for they may refuse to find a bill for the most laudable and proper purposes: when evidence is not laid before them to justify them in finding a bill, or although persons may represent facts to them, which, if true, ought to induce them to find a bill, yet, if from the character of the persons, or the mode in which they conduct themselves in their presence, they should repudiate their evidence they would most properly decline to present the indictment. The expression is equivocal; it may mean a justifiable, laudable, and proper refusal—it may mean an unlawful and improper refusal:—and you are to judge upon the whole, which is its true meaning.

Now if this had followed a sentence charging,

that some person intending to injure another had caused a bill of indictment to be preferred against that other, and had sent some persons to induce the jury to find a bill; you would infer that the imputation was not on the grand jury, but on the person who sent the bill to them, and sent witnesses before them to make them believe that to be true which they found to be false. If this sentence had followed such a sentence as I have described, it would be an innocent publication; as it would be imputing to them, not improper, but proper and laudable conduct. But what are the facts that precede this sentence? for on that you will judge; it is an assertion, that a gentleman, who held the situation of aide-de-camp to the governor, sir James Leith, having severely cart-whipped a negro woman of his own, who was pregnant; she laid her complaint before the governor, who attended to her story, and humanely interfered on her behalf—that the person, however, so far from yielding to the wishes of his master, repeated his cruelty and his improper conduct; and yet these things are asserted as facts:—and it is further asserted as a fact, that this person, who had so misconducted himself, was, by the express order of the governor, prosecuted for cruelty, but that the grand jury refused to find a bill.

Gentlemen, you will say whether, connecting this sentence with the sentences that preceded it, with the facts therein stated to have been committed, any man can doubt that the author of the sentence meant to say, that the grand jury had refused to find the bill, although facts to warrant it had been laid before them at the instance of the governor. If you are of that opinion, then it is a libel within the last count of this indictment, calculated to represent, that criminal justice was not duly administered by the grand jury on behalf of slaves.

I have been invited to give my opinion on the contents of this paper; and it is probably my duty to do so—but you are not to be governed by my opinion, or give any greater weight to it than in the exercise of your own judgment and reason you think it entitled to; for the character of the paper is to be determined by your opinion, and not by mine.—I am of opinion, that this publication, ambiguously as it is expressed as to the individual, and false as it is in all its parts, has a tendency to bring all the persons who hold the situations of aides-de-camp of sir James Leith into suspicion and disgrace, and is therefore a libel in the first view in which I put it. I am also of opinion, that, taking the whole together, the expression at the close—“but the grand jury refused to find the bill”—does mean to impute an improper refusal. That is my opinion upon the two questions: but I request you to exercise your judgment, and found your verdict upon the result of that judgment.

The jury immediately found the defendant guilty upon the first and last counts.

COURT OF KING'S BENCH.

May 10th, 1817.

Mr. Sergeant Best.—I move your lordships for judgment, in the King against Hatchard. It was tried before Mr. Justice Abbott.

[Mr. Justice Abbott read his report of the evidence on the trial, and added,]

An objection was taken, that as the pamphlet spoke of one individual only, there could be no verdict upon either of the counts charging as a libel upon all of them or one of them that which appeared to be a libel upon one individual. I however left it to the jury, and gave the defendant liberty to move to enter a verdict of "not guilty" upon the first count, if the court should be of opinion, that the verdict concerning the eight did not affect them generally. I left it to the jury to determine, whether they thought the libel calculated to bring the whole eight into suspicion and disgrace:—that, there being no clue to fix it on one, they would consider, whether it was not calculated to bring all of them into suspicion and disgrace; and that if so, they would find the defendant guilty upon the first count.

I left it also to the jury to consider, whether the charge, that the grand jury refused to find the bill, meant that they refused in consequence of the want of due evidence to enable them to find it, or whether it was to be collected, that they had refused to find it though proper evidence had been laid before them, I desired them to find their verdict according as they should consider this word used in the one sense or the other; and they found the defendant guilty upon the first count and the eighth.

The following affidavits were read on behalf of the defendant:

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—JOHN HATCHARD, of Piccadilly, in the county of Middlesex, bookseller, the above-named defendant, maketh oath and saith, that he has carried on the business of a bookseller for nineteen years and upwards, and as he humbly trusts and believes, with credit and reputation. And this deponent saith, that in or about the year one thousand eight hundred and seven, as he verily believes, as to the time, a society of persons, calling themselves the African Institution, was formed and established in the city of Westminster, the object of which (as this deponent verily believes) is and always hath been, to promote the civilization of Africa, and to prevent any infractions of the laws enacted for the abolition of the African slave trade. And this deponent saith, that his royal highness, the duke of

Gloucester, is, and ever since the establishment of the said Institution, hath been the patron and president thereof; and that the lord archbishop of Canterbury, with several other prelates, and many of the temporal peers of the realm, as well as some members of the House of Commons, are, and for many years have been, vice-presidents of the said Institution; and that all the directors of the said Institution are and always have been men of the highest character and respectability, and several of them also members of the House of Commons. And this deponent saith that he is, and for several years past, hath been the publisher of the Annual Reports of the directors of the said Institution. And that, at a general meeting of the subscribers to the said Institution, held, as this deponent is informed and believes, at the Freemasons' Tavern, in great Queen-street, Lincoln's-inn Fields, on Wednesday, the twenty-seventh day of March, one thousand eight hundred and sixteen (but at which meeting this deponent was not present) a report of the proceedings of the board of directors of the said Institution during the then preceding year (being their tenth report), was, as this deponent is also informed and believes, read by the secretary of the same Institution; and that the said directors were then and there requested to print the substance thereof. And this deponent saith he hath never been employed or concerned, directly or indirectly, in the preparing or printing of the said tenth report, or any other of the annual reports of the said directors, nor did he ever see any of the said reports in manuscript, neither has he, previous to their being respectively brought to him for sale, ever had any communication with the printers thereof, or of any of them, respecting the printing the same, but hath, from time to time, been in the habit of receiving from the clerk or messenger of the said Institution, such and so many of the printed copies of the said reports respectively, as the said clerk hath, from time to time, brought or sent to this deponent for sale. And this deponent further saith, that on or about the thirty-first day of May, one thousand eight hundred and sixteen he received from the messenger employed by the said Institution, twenty-five printed copies of the said tenth report, for the purpose of exposing the same for sale, and selling the same. And that he exposed the same for sale accordingly, and continued so to do until the twelfth day of November now last past; during which time this deponent saith that, to the best of his knowledge and belief, he did not sell or dispose of more than six of the said copies. And this deponent further saith, that on the

said twelfth day of November, one thousand eight hundred and sixteen, as this deponent verily believes, as to the time, Mr. Philip Martineau and Mr. William Malton, the solicitors for the prosecutors in this cause, came to this deponent's shop, in Piccadilly, and informed this deponent that the said Tenth Report contained libellous matter, which they then pointed out to this deponent, and threatened him with an action or prosecution, unless this deponent would give up to them the name of the writer of the paragraph complained of (being the libel set forth in the indictment in this cause). And this deponent saith, that he was wholly ignorant of, and unable to point out, ascertain, or discover, the writer of the said paragraph, or the author or framer of the said libel, and therefore this deponent then referred the said Messieurs Martineau and Malton to Thomas Harrison, esq., the secretary of the said African Institution, for information on the subject of their application. And this deponent farther saith, that on the twenty-third day of April, inst., he applied, by letter, to the said Mr. Harrison, the secretary of the said Institution, and informed him that as he, this deponent, was in daily expectation of being called before this honourable court to receive judgment in this cause; and as the solicitors for the prosecution had required this deponent to give up the name of the author of the said libel, of which he was wholly ignorant, further than as it appeared by the resolutions of the Directors of the said Institution, that it originated in a Letter, addressed to the said Thomas Harrison, by a correspondent in the West Indies, he, this deponent, begged to be informed whether the said Directors were disposed to give up that letter to him, this deponent, for the purpose of its being shown to the prosecutors, or would furnish this deponent with the name and address of the writer. And this deponent saith, that in answer to the said last-mentioned application, he, this deponent, on the twenty-ninth day of April, inst., received from the said Thomas Harrison, a letter, of the tenor or effect following (that is to say):

"African Institution, 29th April, 1817.

"Sir;—Your application has been submitted to the Directors of the African Institution, at a meeting assembled for that purpose, and I am directed to return the following answer: The Directors would be far from desiring to screen from merited punishment any person who had sent them false information, if they could fairly ascribe to him an intention to deceive; but, in the present instance, they have every reason to conclude that he believed the erroneous information which

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he sent them to be true, and they, therefore, do not feel themselves at liberty to violate the obligation arising from the confidence reposed in them by the writer of the letter for which you ask. The Directors, therefore, while they deeply regret that you should be exposed to any ill consequences, from an act in which there was certainly, on your part, nothing intentionally wrong or inconsistent with the respectable character you have always maintained, are of opinion that they cannot, without injustice to a third person, relieve you from that hardship by communicating to you his letter. They, however, entertain a hope that the prosecutors will not think it a good reason for acting towards you with a harshness from which they were willing, in consideration of your innocence to abstain, that you do not comply with a condition which it is out of your power to perform. I have the honour to be, Sir, your obedient servant, THOMAS HARRISON, Sec. A. I."

"Mr. Hatchard."

And this deponent, upon his oath positively saith, that the said libel did not originate with, or proceed from him, this deponent; and, as the said Tenth Report came to this deponent from a society, or body of persons, eminently distinguished for their benevolence and character, he, this deponent, did not, until the time that the said Messieurs Martineau and Malton so called upon him, as aforesaid, entertain the most distant, or any knowledge, apprehension, suspicion, or conception, of its containing any libel, or any matter of a libellous, malicious, scandalous or defamatory nature, or any matter whatever, which was not founded in perfect truth. And this deponent saith, that he hath always considered the acts and proceedings of the said Institution, to be a concern of a public nature; and that the said reports so published as aforesaid, were for the purpose of conveying information to the public. And this deponent saith, that all the prosecutors in this cause, and all persons forming the grand jury of the Island of Antigua, are, and always have been, wholly unknown to this deponent. And that he, this deponent, hath not, nor ever had, any malice, or malicious, or evil design, view, or intention, against the said prosecutors, or the grand jurors, for the said island of Antigua, or any of them, in selling or publishing the said Tenth Report, or the matter therein contained, or any part thereof; and that he sold the same only in the common course of his business, and merely as the bookseller usually employed by the said Institution. And this deponent saith, that from the time when the said Messrs. Martineau and Malton, so called upon this de-

ponent, as aforesaid, until the sheet containing the libel or statement now complained of was cancelled, as hereinafter mentioned, he, this deponent, with the strictest care and circumspection, and by positive orders to his clerks and servants, prevented the sale; or distribution of the said Tenth Report, and during that time did not, to the best of his knowledge, information, and belief, either by himself, or by any clerk, servant, agent, or other person whatsoever connected with him, sell or dispose of any of the said copies of the said Tenth Report, but totally withheld the sale and disposal thereof, until the sheet containing the libel or paragraph in question, was cancelled and reprinted, with the omission of the said libel or paragraph, as hereinafter mentioned; neither had he, this deponent, at any time whatsoever, since the said Messieurs Martineau and Malton, so called upon him as aforesaid, sold or disposed of any copy of the said Tenth Report, containing the said libel or paragraph now in question. And this deponent further saith, he hath been informed, and believes, that early in the month of November last, the directors of the said Institution caused the sheet of the said Tenth Report, containing the said libel or paragraph in question, to be cancelled, and the same sheet with the omission of such paragraph, to be reprinted and inserted in all the copies of the same report, remaining in the possession of the said Institution, or of this deponent, amounting, as this deponent has been informed, and believes, to seven hundred and eighty seven copies, or thereabouts. And this deponent saith, he hath also been informed, and verily believes, that the fact of the said libels being so suppressed as aforesaid, was made known to the said prosecutors, by means of a letter addressed and sent to their said solicitors, Messrs. Martineau and Malton, by Messrs. Lambert and Son, the solicitors for this deponent, on the ninth day of December last, and that a printed copy of the said report, so altered as aforesaid, was at the same time sent to the said Messrs. Martineau and Malton. And this deponent saith, that he hath not at this time, any copy of the said Tenth Report in his possession, custody, or power, containing the said libel or paragraph complained of, nor ever had any further or greater number of such copies, than the said twenty-five copies so received by this deponent from the messenger of the said Institution, as aforesaid. And this deponent further says, that during the period of nineteen years and upwards that he has been engaged in the business of a bookseller, he has never before been sued or prosecuted for publishing any libel, or libellous or defamatory matter whatsoever,

and to his knowledge and belief, hath never before been guilty thereof, directly or indirectly, or in any manner whatsoever. And this deponent further saith, that he is a married man, and has had a very numerous family, and that he has five children yet living. And although he has always personally attended to his business, and followed it with perseverance and unceasing industry, he has sustained many losses, and is in limited circumstances.

Sworn in Court the 1st
day of May, 1817.

By the Court. JOHN HATCHARD.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—JOHN HATCHARD, of Piccadilly, in the county of Middlesex, bookseller, the above named defendant, maketh oath and saith, that since the making and swearing of his former affidavit in this cause, on the first day of May instant, he, this deponent, hath applied to George Ellerton and James Henderson, of Johnson's-court, Fleet-street, in the city of London, printers and partners, who (as this deponent hath been informed, and believes) have for several years past, usually printed the annual reports of the directors of the African Institution, for the purpose of inquiring after, and if possible, of ascertaining the author or writer of the libel, or libellous paragraph, contained in the Tenth Report of the directors of the said Institution, for the publication of which, this deponent stands convicted. And this deponent saith, that upon such application, the said George Ellerton and James Henderson, severally assured this deponent, in the most solemn manner, that the author and writer of the said libel or libellous paragraph was wholly unknown to them, respectively; but they severally declined to answer any other inquiries respecting the said Tenth Report, or the matters therein contained.

Sworn in Court this 5th
day of May, 1817.

By the Court. JOHN HATCHARD.

IN THE KING'S-BENCH,

THE KING

against

JOHN HATCHARD.

Middlesex.—JOHN HATCHARD, of Piccadilly, in the county of Middlesex, bookseller, the above-named defendant maketh oath, and saith, that since the making and swearing of his two former affi-

daits in this cause, respectively, on the first and fifth days of May, instant, he, this deponent, hath personally applied to Thomas Harrison, esq., the secretary of the African Institution, for the purpose of inquiring, and if possible, of ascertaining by whom the manuscript of the Tenth Report of the directors of the said African Institution, containing the libel or libellous matter, for the publication whereof this deponent stands convicted, was prepared or written. And this deponent saith, that upon such application, the said Thomas Harrison declined to give this deponent any information whatever, respecting the said manuscript, alleging, that he, the said Thomas Harrison, could not do so without the concurrence of a board of directors of the said Institution. And this deponent saith, that he has no knowledge as to who is the author, writer, or framer, authors, writers, or framers, either of the said manuscript, or of the letter mentioned in this deponent's first affidavit, made in this cause, as containing the said libel or libellous matter now in question; and that he knows of no means by which he can obtain such knowledge, or any further information on the subject.

Sworn at my Chambers, in
Serjeants'-Inn, Chan-
cery-lane, this 8th day
of May, 1817.—Before
me

J. BAYLEY. JOHN HATCHARD.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—WILLIAM HENRY WHITEHEAD, Clerk to the Messieurs Lambert and Son, the solicitors for the defendant in this cause, maketh oath, and saith, that in the Courier, the Times, and the Morning Chronicle newspapers, of the fourth day of October last, two letters were inserted, purporting to be published by order of the council and assembly of Antigua, in the West Indies, one of them from the hon. Thomas Norbury Kirby, of that island, addressed to sir James Leith, then late governor of the Leeward Islands, but then governor of Barbadoes, and the other of them in answer thereto, from the said governor to the said Mr. Kirby, and both of them contradicting in a strong and authoritative manner a statement contained in the Tenth Report of directors of the African Institution, reflecting on the conduct of one of the aides-de-camp, to the said sir James Leith, and that in consequence of the publication of the aforesaid letters, and the denial therein of the facts relating to the said aide-de-camp, which

by the said Report, it was alleged the said directors had been informed of, and which has been made the subject of the present prosecution, a special meeting of the directors of the said Institution, was, as this deponent hath been informed and believes, held on Saturday the twelfth day of October last, at which meeting the following resolutions were, as this deponent hath also been informed, and believes, passed by such of the directors of the said Institution as were there present, and were by their order soon afterwards published in the Courier, the Times, and the Morning Chronicle newspapers, (that is to say), "At a special meeting of the directors of the African Institution, held at the Westminster library on Saturday the 12th October, 1816. On reading in the Courier newspaper of the fourth instant, two letters published by order of the council and assembly of Antigua, the one from the hon. Thomas Norbury Kirby, of that island, addressed to sir James Leith, late governor of the Leeward Islands, and now governor of Barbadoes; and the other, in answer thereto, from the said governor, to the said Mr. Kirby, contradicting a statement in the Tenth Report of this Institution, and on reading a letter of the 8th day of April, 1815, addressed to the secretary of this Institution, by a correspondent in the West Indies, in which the statement referred to in the preceding letters, was originally communicated to this Institution: Resolved, that it appears from the said letters of the hon. Thomas N. Kirby, and sir James Leith (of the authenticity of which the directors see no reason to doubt), that the statement referred to, though communicated by a gentleman on whose accuracy they reasonably relied, has been contradicted from the highest authority. That the directors have in this instance strong ground for believing, that their informant was persuaded of the truth of the facts which we reported, because they have had experience of his veracity and correctness in former and subsequent cases, and because it is impossible to impute to him any motive for the inventing such a story, or propagating it, knowing it to be false. He had nothing to gain by deceiving the Institution, but had to lose by it the good opinion, which, by his benevolent efforts to promote its objects, he had previously acquired, and the public nature of the facts represented made the speedy detection of the imposture unavoidable: Resolved, that the secretary do write to the said correspondent by the first conveyance, in the name of the board, enclosing a copy of these resolutions, and requesting that he will immediately transmit the necessary explanations on the subject: Resolved, that copies of these resolutions be im-

mediately published in all the London newspapers, in which the publication of the council and assembly of Antigua has appeared: By order of the board, Thomas Harrison, secretary." And this deponent further saith, he hath been informed, and verily believes, that in consequence of the said resolutions, the secretary to the said Institution, did, on the said twelfth day of October last, write a letter to this correspondent in the West Indies, alluded to in the said resolutions, for the purpose aforesaid, and as this deponent is also informed, and verily believes, the said secretary hath not yet received any answer to such letter, nor hath since received from the said correspondent any explanation whatever on the subject of the said resolutions. And this deponent further saith, he hath been informed and believes, that in consequence of letters soon afterwards received by the secretary, and one other of the directors of the said Institution, from other correspondents in the West Indies, on the subject of the said Tenth Report, the directors of the said Institution were again called together, and at a special meeting held by them on the twenty ninth day of October last, the following resolutions were made and passed by such of the directors of the said Institution as were then present, and by their order were, as this deponent hath also been informed, and believes, soon afterwards published in the *Courier*, *The Times*, and the *Morning Chronicle* newspapers (that is to say): "At a special meeting of the directors of the African Institution, held at the Westminster library, on Tuesday, the 29th of October, 1816. On reading in *The Times* newspaper of the fourth instant, two letters published by order of the council and assembly of Antigua; the one from the hon. Thomas Norbury Kirby, of that island, addressed to sir James Leith, late governor of the Leeward Islands, and now governor of Barbadoes, and the other in answer thereto from the said governor, to the said Mr. Kirby, contradicting a statement in the Tenth Report of this Institution, and on reading a letter of the 8th April, 1815, addressed to the secretary of this Institution, by a correspondent in the West Indies, in which the statement referred to in the preceding letters, was originally communicated to this Institution, and upon reading two letters forwarded by the last conveyance from the Leeward Islands to the secretary, and to another of the directors, from two gentlemen in the West Indies, who concur in contradicting the statement which has been published by this Institution: Resolved, that although no answer could yet have been received to the letter which the secretary of this Institution has, in compliance with the resolutions of the 12th instant, addressed to the correspond-

ent by whom the statement in question was originally communicated, yet that the letters which have been now read to the board, appear to prove, that the statement contained in the Tenth Report of this Institution is either wholly untrue or materially erroneous. That the directors deeply regret, that they have been made the instrument of giving publicity to a statement containing an unfounded imputation on the character of the gentlemen referred to in their report. That it has, therefore, become the duty of this board, to take the earliest opportunity of publicly avowing, that they have in this instance, been misled by the information they have received. That the secretary be directed to take the possible opportunity of publishing these resolutions in the several London newspapers, in which the resolutions of the 12th instant were inserted; By order of the Board, Thomas Harrison Secretary." And this deponent further saith, he hath been informed, and verily believes, that at a general meeting of the directors of the said Institution, held on the fifth day of November last, it was resolved, that the sheet in all the then remaining copies of the said Tenth Report, which contained the erroneous statement hereinbefore adverted to should be cancelled, and that the same sheet should be reprinted and reinserted in the said copies, omitting such erroneous paragraph. And this deponent further saith, he hath been informed, and verily believes, that in consequence of the last-mentioned resolution, every possible endeavour was used to suppress and prevent the further circulation of the said Tenth Report, containing the statement alluded to by the said several resolutions, and that all the copies of the said Tenth Report, then remaining in the office of the said Institution, and which this deponent is informed, and believes, were seven hundred and eighty seven in number, were corrected by cancelling and destroying the sheet of each such copies which contained the statement above alluded to and by reprinting the same sheet, and reinserting the same in each of the said copies, with the omission of the statement so alluded to. And this deponent also saith, he hath been informed, and verily believes, that at another general meeting of the directors of the said Institution, held on Tuesday, the eleventh day of February, now last past, the following resolution was made and passed by such of the directors of the said Institution as were then present, and was by their order, with the memorandum thereto subjoined, soon afterwards published in the *Courier*, *The Times*, and the *Morning Chronicle* newspapers (that is to say), "At a board of directors of the African Institution, held on Tuesday, the 11th day of February,

1817, it was resolved, That this Institution having received a further communication from the West Indies, since the publication of their resolutions of the 12th and 29th days of October last, take the earliest opportunity of declaring their conviction, that the information relating to the aide-de-camp of sir James Leith, in the island of Antigua, which they had received from the West Indies, and inserted in their Tenth Report is totally unfounded. —N. B. The sheet of the Tenth Report containing the statement relative to the island of Antigua was long ago cancelled, and another sheet, omitting that paragraph, inserted in its stead, in all the copies of the Report remaining in the possession of the Institution.

Sworn in Court, this 1st

day of May, 1817.

By the Court.

WILLIAM HENRY WHITEHEAD.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—The Right Hon. JOHN, EARL OF DARNLEY, in Ireland, and Baron Clifton of Leighton Bromswold, in Great Britain, maketh oath, and saith, that he has known, and been acquainted with the above-named defendant, John Hatchard, for sixteen years, now last past, and upwards, and that during all that time, he, the said John Hatchard, hath, to the best of this deponent's knowledge and belief, carried on his business of a bookseller, with credit and reputation. And this deponent saith, he has always considered and believed, and still doth consider and believe, the said John Hatchard, to be a man of good principles, and of a kind, humane, and charitable disposition. And that the said John Hatchard would not designedly send forth to the world any publication of a slanderous nature, or calculated to defame any man, or body of men, whatever.

Sworn in Court, this 1st

day of May, 1817.

By the Court.

DARNLEY.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—The Right Hon. THOMAS PHILIP WEDDELL, Lord GRANTHAM, maketh oath and saith, that he has known and been well acquainted with the above-named defendant, John Hatchard, for fifteen years now last past and upwards, and that during all that time he, the said

John Hatchard, has, to the best of this deponent's knowledge and belief, carried on his business of a bookseller, with the highest credit and reputation. And this deponent saith, he verily believes, and is well convinced, that the said John Hatchard is not a person of evil or slanderous disposition, and that he is utterly incapable of every or any malicious intention or design, to vilify or defame any man, or body of men whatsoever, and would not, wilfully, or knowingly, send forth to the world, any publication of a slanderous or defamatory nature, or calculated to bring the character of any individual whatever, into disgrace or disrepute. But, on the contrary, this deponent saith, that he has always considered and believed, and still doth consider and firmly believe, the said John Hatchard, to be a man of the most strictly moral and loyal principles, and of a kind, humane, and charitable disposition.

Sworn in Court, this 26th

day of April, 1817.

By the Court.

GRANTHAM.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—The Right Hon. FREDERICK JOHN ROBINSON, of Park-place, St. James's, in the County of Middlesex, one of his majesty's most honourable Privy Council, maketh oath and saith, that he has known and been well acquainted with the above-named defendant, John Hatchard, for fourteen years now last past, and upwards, and that during all that time, he, the said John Hatchard has, to the best of this deponent's knowledge and belief, carried on his business of a bookseller, with the greatest credit and respectability. And this deponent saith, he has always considered and believed, and still doth consider and believe, the said John Hatchard to be a man of the most strictly moral and loyal principles, and of a kind, humane, and charitable disposition. And that the said John Hatchard, would not designedly send forth to the world any publication of a slanderous nature, or calculated to defame any man, or body of men, whatever.

Sworn in Court this 29th

day of April, 1817.

By the Court.

FRED. JOHN ROBINSON.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—The Hon. PHILIP PUSEY,

of Grosvenor Square, within the Liberty of Westminster, in the County of Middlesex, and of Pusey House, in the county of Berks, maketh oath and saith, that he has known, and been well acquainted with the above-named defendant, John Hatchard for ten years now last past, and upwards, and that during all that time, he, the said John Hatchard, has, to the best of his, deponent's, knowledge and belief, carried on his business of a Bookseller, with the greatest credit and respectability. And this deponent saith, he has always considered and believed, and still doth consider and believe, the said John Hatchard to be a man of the most strictly moral and loyal principles, and of a kind, humane, and charitable disposition. And that the said John Hatchard would not designedly send forth to the world any publication of a slanderous nature, or calculated to defame any man, or body of men, whatever.

Sworn in Court, this 29th
day of April, 1817.

By the Court.

PH. PUSEY.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—SIR THOMAS BERNARD of Wimpole-street, in the County of Middlesex, baronet, maketh oath and saith, that he has known, and been well acquainted with the above-named defendant, John Hatchard, for nineteen years, now last past, and upwards, during the whole of which time, the said John Hatchard hath, as this deponent verily believes, carried on his business of a bookseller, with the greatest credit and respectability. And this deponent is well convinced, that the said John Hatchard is not a person of evil or slanderous disposition, and that he is utterly incapable of every or any malicious intention towards any one, and never designed to vilify or defame any man, or body of men whatsoever. And this deponent verily believes, that the said John Hatchard, would not wilfully, or knowingly, send forth to the world, any publication of a slanderous or defamatory nature, or calculated to wound the feelings of any individual whatsoever, or bring his character into disgrace or disrepute. But, on the contrary, this deponent saith, that he has always considered and believed, and still doth consider, and firmly believe, the said John Hatchard, to be a man of the most strictly moral and loyal principles, and of

a disposition remarkably kind, humane, and charitable.

Sworn in Court, this 26th
day of April, 1817.

By the Court.

T. BERNARD.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—SIR ROBERT PEEL, of Upper Grosvenor Street, in the parish of Saint George, within the Liberty of Westminster, in the county of Middlesex, and of Drayton Manor, in the County of Stafford, baronet, maketh oath and saith, that he has known, and been well acquainted with the above-named defendant, John Hatchard, for fourteen years now last past, and upwards, and that during all that time, he, the said John Hatchard has, to the best of this deponent's knowledge and belief, carried on his business of a bookseller, with the greatest credit and respectability. And this deponent saith, he has always considered and believed, and still doth consider and believe, the said John Hatchard to be a man of the most strictly moral and loyal principles, and of a disposition, kind, humane, and charitable, and that the said John Hatchard would not designedly send forth to the world any publication of a slanderous nature, or calculated to defame any man, or body of men, whatever.

Sworn in Court, this 29th
day of April, 1817.

By the Court.

ROBERT PEEL.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—JOHN WEYLAND the younger, of Sackville-street, in the parish of St. James, Westminster, in the county of Middlesex, esq., and of Hawthorn-hill, in the county of Berks, maketh oath and saith, that he has personally known and been well acquainted with the above-named defendant John Hatchard for fifteen years now last past, and upwards, and that during all that time, he the said defendant hath, as this deponent verily believes, carried on the business of a bookseller, with the highest credit and respectability, and with a reputation perfectly pure and unsullied. And this deponent verily believes, and is well convinced, that the said John Hatchard is not a person of evil or slanderous disposition, but on the contrary that he is and always has been, during the above period, utterly incapable of every or any mali-

cious intention or design to vilify or defame any man, or body of men, whatsoever, and would not wilfully or knowingly send forth to the world any publication of a slanderous or defamatory nature, or calculated to bring the character of any individual whatever into disgrace or disrepute. And that he this deponent hath always considered and believed, and still doth consider and believe, the said John Hatchard, to be a man of the most strictly moral principles, and of a most kind, humane, and charitable disposition.

Sworn in Court this 25th

day of April, 1817.

By the Court. J. WETLAND, JUN.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—CHARLES COWPER, of Albany, in the parish of Saint James, in the county of Middlesex, esq., maketh oath and saith, that he has personally known and been well acquainted with the above named defendant, John Hatchard, for thirteen years now last past, and upwards, and that during all that time, he the said defendant has, to the best of this deponent's knowledge and belief, carried on his business of a bookseller with the highest credit and respectability, and with a reputation perfectly pure and unsullied, and from such this deponent's knowledge, he verily believes, and is well convinced, that the said John Hatchard is not a person of evil or slanderous disposition, and that he is and always has been utterly incapable of every or any malicious intention or design to vilify or defame any man or body of men whatsoever, and would not wilfully or knowingly, send forth to the world any publication of a slanderous or defamatory nature, or calculated to bring the character of any individual whatever into disgrace or disrepute, but on the contrary, this deponent saith, that he has always considered and believed, and still doth consider and believe, the said John Hatchard to be a man of the most strictly moral principles, and of a most kind, humane, and charitable disposition.

Sworn in Court this 26th

day of April, 1817.

By the Court. CHARLES COWPER.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—JOHN PENN, of New-street Spring Gardens, in the county of Mid-

dlesex, and of Stoke Park, in the county of Berks, esq., maketh oath and saith, that he has known and been well acquainted with the above-named defendant John Hatchard, for nineteen years now last past, and upwards, during the whole of which time the said John Hatchard hath, as this deponent verily believes, carried on his business of a bookseller with the greatest credit and respectability. And this deponent is well convinced, that the said John Hatchard, is not a person of evil or slanderous disposition, and that he is utterly incapable of every, or any malicious intention towards any one, and never designed to vilify or defame any man or body of men whatsoever. And this deponent verily believes, that the said John Hatchard, would not wilfully, or knowingly send forth to the world, any publication of a slanderous or defamatory nature, or calculated to wound the feelings of any individual whatever, or bring his character into disgrace or disrepute. But; on the contrary, this deponent saith, that he has always considered and believed, and still doth consider and firmly believe the said John Hatchard to be a man of the most strictly moral and loyal principles and of a disposition remarkably kind, humane, and charitable.

Sworn in Court this 26th

day of April, 1817.

By the Court.

J. PENN.

IN THE KING'S-BENCH.

THE KING

against

JOHN HATCHARD.

Middlesex.—BUCKERIDGE BALL ACWORTH, esq., of Great Queen-street, Westminster, in the county of Middlesex, maketh oath and saith, that he hath known and been well acquainted with the above named defendant John Hatchard, for nineteen years now last past, and upwards, and from such his knowledge, and as he verily believes the said John Hatchard is not a person of evil or slanderous disposition, but on the contrary, this deponent is perfectly convinced that the said John Hatchard is wholly incapable of any malicious intention towards any one, and that he has never had any design to vilify or defame any man or body of men whatsoever. And that he would not wilfully or knowingly, sell or dispose of any book, pamphlet, or other publication, of a slanderous or defamatory nature, or calculated to bring the character of any individual into disgrace or disrepute. And this deponent saith, that during all the time aforesaid, the said John Hatchard hath, as this deponent verily believes, carried on his business as a bookseller, with the

highest credit and respectability. And that he is, in this deponent's judgment and opinion, a man of the best moral principles, and of a disposition remarkably kind, humane and charitable.

Sworn in Court this 25th

day of April, 1817.

By the Court.

B. B. ACWORTH.

Mr. Dealtry.—Are there any affidavits for the prosecution?

Mr. Sergeant Best.—No.

Mr. Scarlett.—Rising to address your lordships on behalf of the defendant now on the floor, I cannot but express my regret, that he should, in this moment of peril, be deprived of the benefit of those eminent talents to which his defence was originally entrusted.* I feel the more concerned on this account, that I am the cause, and perhaps the innocent cause, of having given him that advice which exposed him to the expense, and one of your lordships to the trouble, of investigating this case before a jury. From the very first till the present moment, this gentleman has entertained but one sense of regret and concern, that he should have been the unfortunate instrument of ushering this publication into the world: but yet I must own, that at one time I did entertain a considerable hope that upon a candid consideration of the whole context of that publication,—of the manifest innocence, nay, I will say of the laudable motives, which actuated the parties in the main design of that publication, a jury might have been persuaded to think, that there was not any thing in it of so dangerous a tendency, or so injurious to the reputation and fame of individuals, as to have made it necessary to make him a public example. In that, it appears that I was deceived: but I am sure you will do me the credit to believe I entertained an honest opinion, or I should not have given that advice.

My lords, I felt, as every one must feel, that the insinuation conveyed in that report, as far as it respected the gentlemen who are there generally described, must have been painful to the feelings of their honourable minds: but I did venture to think, that it was not an impossible case, that where, by an inadvertent publication framed altogether with a different view, an expression had dropped that was unguarded, and therefore had given pain to individuals, though a public prosecution for a libel must necessarily be the consequence, I did think that the aides-de-camp of sir James Leith, being from their situation gentlemen—and, as was represented by one of them in this case, gentlemen of character, which I never doubted,—that when they had considered this

publication, which could not be meant to attack them as a body, they would have felt that the reparation due to them was such as gentlemen might derive from a retraction of the slander.

It appears, that long before this prosecution was meditated, or long before any public notice of it could exist, the directors of the African Institution themselves had issued a resolution, taking notice, that what had crept into their report was untrue. They had issued a resolution in the only terms they could adopt, unless they libelled the person who had given them information; in which they stated, that the person who sent them that information had been misinformed. It appears also, that measures were taken to prevent the sale of the publication. That the defendant, of his own authority, and those who employed him, the moment they were satisfied—as they were—of the want of foundation of that which they had stated, withdrew the publication, took every measure to prevent its further circulation; and sent a fresh copy of the report in question to the press without this matter; and that but six copies of this paper found their way into the hands of the public—probably the greater part into the hands of those who instituted this prosecution. I submit, therefore, that every thing was done that this individual could do.

Upon the trial of this cause, his lordship had the goodness to suggest his doubts upon the form of the first counts of the indictment, and to give us the privilege to move the court, if we thought it advisable. My lords, upon consideration, when we reflected that, however doubtful the issue of the first count might be, the jury had found a verdict of guilty upon the last count, charging a reflection upon the grand jury of the island of Antigua, however slight the ground—I thought it vain to trouble the court with an application upon the first count, when there was a conviction which could not be disturbed upon the last. But when I look at the publication itself, I see that the word “refused” is the only word upon which a ground could exist for calling for a verdict; which I admit is a fair ground. One single word (of which, perhaps, in the moment of writing, the writer in composing the paragraph, had not adverted to the force) is the only ground of charge. But I am far from vindicating the publication. I should neither do justice to the feelings of the individual I represent to day, nor, though I am not counsel for the African Institution, should I do justice to them, if I attempted on any one part of this publication to vindicate that which they had published. I do not say one word in justification of it; and all I can say in excuse for it is, that persons with the best intentions and motives may be deceived by mis-information.

This is a case in which the publisher is before your lordships; and I know very well, and I shall never deny, that generally speaking, the publisher of a libel must be identified with the author, unless the author is avowed. But,

* Sir William Garrow, who at the trial of this indictment conducted the case of the defendant, was appointed a baron of the exchequer previous to Mr. Hatchard's being brought up for judgment.

my lords, in this case I appeal to your lordships' feelings. The jury have done right by their verdict—that I admit.—But can your lordships, with your knowledge of the world, suppose a case which can possibly exist, in which a publisher might more easily be led into this false step? No unknown author comes to him, desiring him to publish this paper—no person who could be suspected of having an improper view; but the publication proceeds from a most honourable body, comprising what is most eminent in rank and talents in this country. How could he imagine that he incurred any risk in publishing what came from them? They must be deemed the authors of this publication; and it does not issue from them as unknown authors. It is a publication, the authors of which are known; and therefore he himself might surely be excused, if he did not exercise the caution which the law expects, by an inspection of the publication itself, to judge for himself, whether it contained libellous matter. It is possible that the attorney-general himself might send a publication to the press, in which something might appear that might be libellous. But surely a Bookseller might be excused, if he knew it was revised by that learned person, for putting it forth to the world. I trust, therefore, Mr. Hatchard will stand as much to be excused before your lordships, as any man who has committed an involuntary offence.

What then is the object of the prosecution? Is it to prevent a repetition of the offence? I trust I have satisfied your lordships, that Mr. Hatchard is not that individual, who would knowingly engage in a libellous publication. Is it to do justice to the feelings of the individuals pointed out by this publication? Surely justice has been done to them. No man has ventured to affirm the truth of this publication—no man concerned in it has done any thing but express his sorrow. An opportunity was given to the prosecutors at the trial to prove the falsehood of it. Perhaps one might have doubted, as the truth was no justification, whether it was false; but it was the object of every one who was connected with Mr. Hatchard, to make the refutation of the calumny as public and as distinct as the libel itself had been: and I will venture to say more pains were taken; for in the whole circuit of this kingdom, only six copies had been put into circulation; and I think your lordships must be satisfied, that the publications in the newspapers have given more currency to the libel as well as to the refutation of it, than the original book itself. If the object of this prosecution is to soothe the wounded feelings of those who have been affected by it—either the grand jury, respectable men, no doubt, or the aides de camp of sir James Leith—I trust your lordships will think, that every thing the defendant has done, has been with a view to effect that object; and that my learned friend who represents the prosecutors, if they be the prosecutors, will not, in the exercise of that

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humanity known to belong to him, press for a vindictive punishment on the part of gentlemen, who must have received all the reparation that a gentleman desires.

There is perhaps one other view I ought to take of this case, by way of anticipation. On the trial, my learned friend, Mr. Sergeant Best, who represented the prosecutors, was pleased to introduce, and with no common degree of force, an address to the jury, which I thought (and in this I had his lordship's concurrence) had no necessary or immediate connexion with the subject. He was pleased to say, that it was not the aides-de-camp of sir James Leith—that it was not the grand jury of Antigua, but the legislature of that island, that were the prosecutors. If the legislature of the island of Antigua be the prosecutors, if they have thought it worthy of them to institute this prosecution, for the vindication of the grand jury, or the aides-de-camp of sir James Leith, I trust they are satisfied with the public reparation those persons have received. But if, under the mask of this prosecution, it is intended to take an occasion of making some declamation against the object or supposed motives, either of the body, or the individuals forming a part of the body, of the African Institution, I beg leave to enter my protest against Mr. Hatchard being the scape-goat for that Institution. It was said by my learned friend—and he could not say otherwise—that the rank, the honour, the talents, and the virtues that adorned that Institution, made it impossible to suspect that they, as a body, could entertain improper views; but he was pleased to say, there might be individuals among them, who set themselves up as a tribunal to judge of the conduct of masters towards slaves in the West Indies, and who were desirous of introducing into the public mind prejudices, which my learned friend painted in his peculiar manner, as highly injurious to persons residing in the West Indies. My lords, if I may judge from what I know of some persons—if I may judge from the well-known character and motives of those with whom I am acquainted, I am satisfied that my learned friend, and those who instruct him, are mistaken in that supposition. I believe that no such individual exists, and that it is totally an unfounded supposition. But if they do exist, I trust your lordships will think, that this is not an occasion on which any declamation can be urged against them to affect the defendant upon the floor. The conviction and the punishment of Mr. Hatchard can have no effect upon those individuals, if any such exist: and therefore I trust my learned friend, in his discretion, will not think it expedient to take this occasion of entertaining your lordships with a topic which has nothing to do with the matter before the court.

With respect to another part of this case, I shall trouble your lordships very shortly. It is stated in the affidavits, that the defendant is wholly ignorant of the name of the individual who wrote that paper; that he has endeavoured

to obtain the name, but has not been able to procure it. I am counsel for Mr. Hatchard in this case; and I trust it is sufficient, if your lordships are satisfied that he has been unable to do so, that no aggravated punishment should fall upon him because he has been unable to do it; but I appeal to my learned friend's judgment and candour, whether it be necessary for him to possess, on behalf of the legislature of the island of Antigua, the name of that individual. A gentleman living in the West Indies, who has been probably craftily imposed upon, in order to make him the vehicle of a piece of false information, writes a private letter to a friend connected with the African Institution, and that gentleman lays it before the committee. If the prosecutors are indeed the legislature of the island of Antigua, I cannot but say, that I think those in possession of that name, have done right to withhold it. He has committed no crime cognizable by the laws of this country.—A gentleman living in the West Indies, who has written a private letter to a friend, cannot be indicted here if his friend here has published it: by what law of Antigua can he be brought before a public tribunal? I apprehend by none:—if there be no law in this country, or in that, by which he could be punished, I trust, it will not be deemed on the part of Mr. Harrison—a gentleman whom I have long personally known, a gentleman of the profession—altogether improper that he should be unwilling to disclose a name to the offended legislature. My lords, an angry legislature is a formidable enemy; and so far there might be danger, lest, if they found no law to punish that person, they should make one. I do not say that will be done; but still it may be a reason why an individual, himself innocent of any crime, and merely the vehicle of retailing false information imposed upon him, should not be surrendered up to persons who may have their own peculiar views and feelings upon the subject: but whether that be so or not, Mr. Hatchard is ignorant of the name of that individual, and is unable to comply with that desire. I make little doubt that if the individual who conveyed the information, had been suspected of any improper design in so doing, and much more if he had been guilty of any crime in so doing, he would have been surrendered to the vengeance of a prosecution; but in the view I take of this case, it does not appear to me in what way they could proceed criminally against him, unless they made a law for the purpose.

My lords, there is another circumstance to explain the affidavits. It appears that Mr. Hatchard has sworn, and that recently, that he applied to know who was the individual author of the tenth report. The answer is, that no information can be given to him upon the subject. The author of the publication must be deemed to be the body at large—the publication was directed by the body at large; and whether any individual compiled this which undoubtedly had been better suppressed, or it was done by

the committee, the body at large must be considered to be the authors of the publication. But what does my learned friend wish?—A vindication of the character of these gentlemen?—he has it. Does he wish contrition in the defendant?—he has it. What does my learned friend wish?—that he should have a victim eminent for rank, talents, or virtue, brought into this court? I trust such is not the desire of my learned friends, and that such is not the design of this prosecution; if it was, I can only say, that your lordships' candour and sense of justice will not make Mr. Hatchard a victim upon this occasion to any such desire, if he is not able to disclose that which he has been asked to disclose: nor do I see how, if it were disclosed, any material object of any prosecution could be more effectually answered, than has been answered by this prosecution, in having brought forth a public refutation of that which was false. I have only to draw your lordships attention to the character given of Mr. Hatchard, by persons unconnected with this Institution, who have expressed their strong opinion of his moral character—of the caution and forbearance, and honour, with which he has conducted a trade of some difficulty in these times, for nineteen years; and that this is the very first occasion in which, under the sanction of very illustrious names, which might have protected him, at least, from the suspicion of designing to do any thing wrong, he has been inadvertently led into the sale of six copies only, of a publication containing a passage injurious to some individuals; and for which, from the time he has been conscious of his offence, down to the present moment, he has never failed to express the contrition which appears upon his affidavits upon this occasion. I rely upon your lordships' humanity and justice, that if there be any case in which the publisher of a libel can receive a mitigated sentence, this is, above all others, that case.

Mr. Richardson.—My lords, I am also of counsel for Mr. Hatchard. After what has been said by my learned friend, I think I shall best consult his interest, by confining what I have to say to one or two topics. I hope that upon the affidavits, read by the officer, it will appear, that his conduct, ever since it was made known to him that the publication in question was supposed to contain reflections injurious to the character of any individual, has been perfectly consistent with the high character of which numerous and respectable testimonies have been borne to-day. It does not appear that at any time he has ever endeavoured to uphold the charge supposed to be made against those persons. Although he appeared here to make a defence before the jury, I may appeal to the learned judge before whom the trial took place, that it was not with a view to sustain the charge against them, but under the impression, that the supposed libel, when coolly and impartially considered, might

not be deemed to fall within the legal definition and scope of a libel; that there might be favourable circumstances to induce a jury to consider that there was a want of that malice, which might be supposed to form a part in the verdict of guilty: and although I do most fully admit that, by the verdict the jury have found, they have proved that the advisers of Mr. Hatchard were mistaken; I hope that will not be considered as putting him in a situation different from that in which he would have stood if he had at once submitted to a judgment by default.

My lords, it appears that he has taken every pains to satisfy the object of the prosecutors (if such was their object) of knowing who was the author, or even who was the person drawing up from the letter the paragraph in the publication: both these facts appear to me out of the defendant's reach. It appears that he had nothing to do with the printing—that he was merely the agent in receiving a definite number of copies; not from any unknown, or suspected person, but from the messenger of this body of most respectable persons,—to whom he paid implicit credit, and upon whose authority he published a small number of copies: only to the number of twenty-five were ever received by him for sale; and of those, only ten, or a dozen at the outside, ever found their way through his agency to the world, and they perhaps, some of them, to the agents for this prosecution. He has used every endeavour, by application as well to the secretary of that respectable body, as to the printer of the book, to be furnished with the means of informing the prosecutors of the name of the author, I do not mean to say, that in point of law he is by that rendered not guilty; but he has rendered every reparation in his power.

I will not say more, lest I should weaken the effect of my learned friend's address; and I hope that the defendant, whom I have personally known some years, will not suppose that I desert his cause by the omission of other topics: if I did not stand here as his counsel, I should have been happy to have borne my individual testimony, not only to the integrity and respectability of Mr. Hatchard's character, but also to the peculiarly humane and charitable disposition of his mind.

Mr. Sergeant Best.—My lords—It has seldom fallen to my lot to address your lordships calling for punishment upon any individual; and the duty I am called upon—and feel myself particularly called upon—to discharge to-day, not merely from what has passed before, but from what has just taken place, is one which I perform with extreme pain, because I have heard, from the most respectable testimony, that the gentleman who stands upon your lordship's floor, is a most respectable man.—I have not known him, as my learned friend Mr. Richardson has; but from all the information I have had, I would add (if it did not

seem almost impertinent) my testimony to the integrity and propriety of the conduct of the defendant. I will do more: I am willing at this moment, if those who send my learned friend here think proper to accede to my proposition—I am willing, upon one condition, which I am sure your lordships will think a proper one, to stop here and to ask no judgment against him:—my lords, the condition is this—we cannot prosecute the African Institution—let them give up to us the individuals of that society who directed this publication. I know, my lord, that there are some of them attending the Court. One cannot look at the names that are included here, without seeing that there is every thing that is great and honourable in society. I know that these persons have nothing to do with these proceedings; and I trust, that there are none associated with the persons whose names I hold in my hand, who would stand by and suffer an individual to be punished for their fault. If they are worthy of being members of this society, I trust they will accede at once to my proposition. If they are not prepared to do it now, I am ready to consent to this matter standing over, that they may have an opportunity of judging, whether they will allow an innocent man to suffer for their crime; for that, somebody must be made a sacrifice, there cannot be a doubt.

My learned friend has thought proper to advert to what passed at the trial—my learned friend has thought it good to state, that I pressed upon the jury topics which the learned judge objected to:—my lords, I had not the good fortune to be present when the learned judge summed up; I cannot, therefore, know whether my learned friend is correct in that observation or not; I, however, urged nothing upon that occasion which I did not think it my duty to urge, and to which I shall to-day again shortly advert, that I may know whether I have fallen into the error into which my learned friend supposes me to have fallen. There is, however, one thing which my learned friend has stated,—that this prosecution is to be made a mask for some purpose or other. I must beg to answer, that if it is, I am not conscious of it:—if I had conceived that could have been intended by those who have sent me here, neither they nor any other person should have prevailed upon me to come here. With respect to the topics I introduced at the trial, and which I shall, if my proposition is not acceded to, feel compelled to touch upon again, they were only those, in my opinion, which grow immediately out of the libel, which I must have failed in my duty to the prosecutor and the public, if I had not pressed upon the jury; and which, so far from being found fault with by his lordship, were reiterated by him and sanctioned in his address to the jury. I will state to your lordships what I said to the jury—I will correct my learned friend—now I recollect what the learned judge did stop me in—I am sure the learned judge will

do me the justice to say, that the moment he intimated his opinion, I stopped—

Mr. Justice Abbott.—I rather think I told the jury that irrelevant matter had been introduced—that it was not material to them by what body of persons the prosecution was instituted, or by whom the publication had been sent forth into the world.

Mr. Sergeant Best.—That is just what I was about to state. Your lordship, on my saying that it was a prosecution by the legislature of the island of Antigua, did state that we had nothing to do with who had instituted the prosecution; and I am sure your lordship will do me the justice to recollect, that I immediately refrained from further observations, submitting, as I always do, to observations from your lordship, or any other person in your lordship's situation. I did state to the jury, and shall state again now, that this is a libel for which somebody must be punished; and if these persons will sit in their room, and direct the publication of libels, and then will not come forward and avow themselves as the publishers, the printer must be punished. It is a libel of that nature, that, if punishment is not pronounced, not only will these gentlemen suffer in their character (for these are not the individuals feeling it particularly), but there is no white man in the West India islands who is safe in his character or life.

I have heard it said, that there were only six copies of this sent forth. I am very much surprised at learning that. I take for granted it is true in fact; but it is not substantially true. There may have been only six copies circulated; but will any man make an affidavit, that there were not six thousand copies of this printed? If so, it is very strange how one found its way to me, who am no subscriber to this Institution.

Now, let us see what is the libel, and what has been the conduct of these parties since. The libel is one of the most wicked that can possibly be published. It is said that it proceeded from mistake.—My lords, the thing is impossible: it cannot have proceeded from mistake. It is said to have been published in consequence of some letter, written by some gentleman, living somewhere, to some friend of the African Institution; and that friend incautiously gave this letter to the African Institution, upon which they published this paragraph.

Mr. Justice Abbott.—The secretary, I think.

Mr. Sergeant Best.—My lords, it is very singular, that if this be so, they have never set out the letter—they might have given us the letter without the name; and let us see whether they were warranted in publishing this. In the absence of that letter, which we have never been trusted with, I have a right to say, that some person or other has thought proper to publish this without any letter to bear him out. If they had any such letter, the best justifica-

tion would have been the production of that letter to some confidential person. No attempt has ever been made to show to any one person the letter from which this passage has been published; and therefore I submit to your lordships, I have a right to say, that they had no letter which warranted them in publishing any such paper; and that some one or other—God knows who, we do not—but that somebody or other has thought proper, for the worst of purposes, to fabricate this paper.

I will, now with your lordships' leave, read this libel; and I will ask, whether it is possible that it can pass unpunished. My learned friend has truly said, if the author can not be got at, the publisher is the only person you can proceed against; and that is peculiarly applicable to a case of this sort. You cannot prosecute a whole society, but there would be no difficulty whatever in the individuals who attended the board when this was sent to the public, giving up their names; and then I drop all prosecution—nay, after your lordships' judgment, I shall be ready; for I am sure these gentlemen, if they are Christians, cannot sleep in their beds without giving up their names. The prosecutors of this individual will be ready to come forward to make application in any quarter to relieve this gentleman from the consequences of this judgment, when we shall have a proper victim for this attack upon the white population of the West Indies. The paragraph is this: "The directors are also informed, that about a year ago, the following circumstance took place in the island of Antigua: A gentleman, who held the situation of aide-de-camp to the governor sir James Leith, having severely cart-whipped a negro woman of his own, who was pregnant, she laid the complaint before the governor, who humanely attended to her story, and dismissed her with some money for herself, and a note to her owner. Instead, however, of taking his excellency's interference in good part, the gentleman gave the unfortunate woman an additional number of lashes, and dispatched a note to sir James Leith, who, in consequence ordered his secretary to inform the writer that sir James Leith had no further occasion for his services. On the receipt of this information, the gentleman dressed up one of his negro boys in his own uniform, and, mounting him upon an ass, dispatched him with an insolent note to the governor. He was afterwards indicted for cruelty at the express order of the governor, but the grand jury refused to find the bill." Now, my lords, this is not any one single fact which might have been picked up by mistake, and so found its way into this publication. But here is a series of charges. It is in the first place said, that a man in the situation of aide-de-camp to the governor of this island, was such a monster as to cart-whip a negro woman in the situation in which this woman is described as being—that is one fact. There is a complaint to the governor—the governor remonstrates with the person—the person, on

being remonstrated with, is guilty of the indecency of dressing up his negro-boy in that uniform which he wore when in attendance upon the governor himself, and of sending him mounted in a very ridiculous manner to the governor; upon which he is discharged—that is a third fact. Upon this the governor directs a prosecution—that is a fourth fact; and upon all these circumstances being brought under the consideration of a grand jury of the island of Antigua—that grand jury are corrupt enough not to find a bill. Now, can this be the work of any but the most diabolical invention? It is said it came from the West Indies. I am glad to hear that.—If it came from the West Indies, it must be known to be false. There is not a man in the island of Antigua, but knows every scintilla to be false. Not only is the military authority of the government attacked—not only are the governor and the aides-de-camp represented as cruel, but the civil authority in all cases regarding slaves is corrupt to the very bottom.—This is not insinuated, but it is directly charged. My learned friend has said, there is only this one word “refused” upon which the jury have found the indictment; and they could come to no other conclusion, than that this was a charge upon the grand jury—that they had corruptly thrown out the bill. My learned friend says, that it stands upon the word “refused.” How can my learned friend allow his zeal to his client to pervert his excellent understanding? It stands upon the whole of the paragraph. Is there any man who can read this without seeing that the African Institution meant to insinuate that the governor’s aide-de-camp meant to conduct himself improperly; and that the grand jury, in violation of their oaths—in violation of the first principles of humanity, thought proper corruptly to refuse bringing that person to punishment? If this is the true interpretation (and it is not merely mine—it is the interpretation which I gave at the trial, and it has been sanctioned by a jury who were called upon here to decide upon the guilt or innocence of the party—can any man state a worse libel than this? How bad would it be if it reflected on any grand jury in this country?—much worse is it, reflecting on a grand jury in the West India islands—much worse is it to tell the whole of the black population in the West Indies—you are in such a situation that you can expect no protection from any person in authority.

It is then supposed that these gentlemen have done something to do away the effect of all this. I stated at the trial—and there it was that your lordship said, that till evidence was given of it, it was improper to say any thing about that which was not in evidence—I stated at the trial, and state now,—that in my opinion their conduct since the publication has aggravated the libel. My learned friend says—were they, without having the thing explained, to libel this innocent gentleman in the West Indies? My lords, it is impossible

that this gentleman in the West Indies can be innocent—he must know he was circulating the most infamous falsehoods—his infamy is out of the reach of libels. The publication sent into the world was, in my opinion, instead of giving us any satisfaction, directly calculated to keep alive the idea that there was some foundation for the charge. If they had said, shortly, that they were very sorry they had published it, and had left it there, it would have been something; but the tendency of it is clearly to prove, that they thought there was something in it. It runs thus—“Resolved, that it appears from the said letters of the hon. Thomas Norbury Kirby, and sir James Leith (of the authenticity of which the directors see no reason to doubt), that the statement referred to, although communicated by a gentleman on whose accuracy they reasonably relied”—so that the people may still think there is a great deal of foundation for it—“has been contradicted from the highest authority. That the directors have, in this instance, strong grounds for believing that their informant was persuaded of the truth of the facts which he reported; because they have had experience of his veracity and exactness in former and subsequent cases, and because it is impossible to impute to him any motive for the inventing such a story, or propagating it, knowing it to be false; he had nothing to gain by deceiving the Institution, but had to lose by it the good opinion which, by his benevolent efforts to promote its objects, he had previously acquired, and the public.” My lords, if the objects of this society are to be promoted by such a man as this, however benevolent the motives of the society be, the sooner it is annihilated the better. “Resolved, that the secretary do write to the said correspondent by the first conveyance, in the name of the board, inclosing a copy of these resolutions, and requesting that he will immediately transmit the necessary explanations on the subject.”

Why, my lords, can there be a paper sent into the world better calculated to keep alive in the public mind, the idea that if this is not wholly true, there is still a great deal of foundation for it? Can this, which is called an apology, be considered as an apology?—I consider it almost as bad as the original publication.

This is all the satisfaction we have had from these gentlemen. It appears that the defendant has pressed them at different times to give up the author, or the writer of the letter; with none of which they have complied: but there is one point on which I should like a little satisfaction, and I think your lordships will. I should like to know, whether this society does not now defend this gentleman; and if the society do, what is it but the society coming here and saying, we cannot deny that some person has published this libel—but it is not Mr. Hatchard. If it is not Mr. Hatchard, who is it?—Ourselves—but ourselves we will keep shut up in our committee-room. I consider Mr. Scarlett as counsel for the Institution—

Mr. *Scarlett*.—You do perfectly wrong in that, I assure you.

Mr. Sergeant *Best*.—I will put it generally; somebody will say, we will desire the court of King's Bench not to punish Mr. Hatchard, because he is not to be punished. I beg to state—your lordships will correct my error, if an error it be—if the author cannot be got at, the publisher must be considered as the author; and, however much your lordships may feel,—and I feel as much as any man can—for the situation of Mr. Hatchard—your lordships must punish Mr. Hatchard, as you would punish those members of the African Institution who are the real offenders, if they were before you; for if that is not done, but a precedent is set for this society, and all other societies, to receive information, true or false, from all quarters of the world, and under the sanction of their name to get printers to circulate it, and after they had done the greatest mischief to individuals, and to the state, to say—oh! you must not punish the printer, this is an exception to the rule, for the printer has acted under high authority—such a principle would be attended with consequences most injurious to society. My learned friend has put the case most strongly, as he always does—suppose a libel came from the attorney-general—I say, if a libel came from the attorney-general, we should in that case, as in this, request the printer to give us up the author; and if he gave up the attorney-general, we should have done with him. I am not desirous to punish this gentleman—I am more merciful than these gentlemen—theirs is the pretence of mercy, with real cruelty permitting him to stand in the situation he does—mine is real mercy. I say, come forward and avow yourselves the criminals, as in character you ought to do; but if you do not, though desirous that this gentleman should not suffer, it is the only way in which I can punish you, by making you feel, when you retire to rest, that there is a person suffering for that crime into which you have led him.

I am sorry to have been called upon to address your lordships at so much length: disclaiming all hostility to this gentleman, not only on my part, but that of my clients, I leave him in your lordships' hands; leaving it to your lordships to consider whether, with the pretences that have been set forth, it is safe to the public, particularly to that part of the community who, separated from their own country, in a particular manner call upon your lordships for your protection, and especially in these times, whether it will be safe for that part of the community, that a libel on the administration of justice, in the persons of the grand jurors—a libel upon the highest military authority of the country—should pass unpunished, because the real authors of the libel do not choose to come forward? whether your lordships can possibly consider this case as at all distinguishable from the common

and ordinary case, where your lordships have before had the printer and publisher, and cannot get at the author? With these observations I leave the case in your lordships' hands, and shall be perfectly satisfied with your lordships' judgment, whether light or severe, having done what I thought my duty.

Mr. *Marryatt*.—I shall trouble your lordships with a few observations as to the conduct of the defendant.

It has been stated, that he felt great compunction ever since he found he had been the vehicle of this publication, and that he has taken great pains to ascertain who was the original author of the letter, or who were the original publishers or fabricators of this report. We will compare, with your lordships' permission, the dates he has given:—He published this book; though certainly, according to his own affidavits (which I take for granted are not untrue), he circulated only a small number of them from the month of April down to the 12th of November; upon the 12th of November he stopped the publication of it, until a new impression had been made, and then circulated it without the exceptionable paragraph. Was Mr. Hatchard ignorant of the refutation of this slander, by the aide-de-camp's letter to sir James Leith, and by sir James Leith's answer, which had been printed early in October?—was he ignorant of the resolution of the 12th of October which is now relied upon by the other side? was he ignorant of the further resolution, by which they almost disavowed the truth of it upon the 29th of October?—That is not denied; and yet down to the 12th of November, this gentleman continues the publication of the pamphlet—the very pamphlet in evidence, was proved to have been published subsequent to the 24th of October.

Mr. Justice *Bayley*.—There is one paragraph in the defendant's affidavit, which you ought to know. I had attended to that: he says; "he did not, before Messrs. Martineau and Malton called upon him, as aforesaid," that is, on the 12th of November, "entertain the most distant, or any knowledge, apprehension, suspicion, or conception of its containing any libel, or any matter of a libellous, malicious, scandalous, or defamatory nature, or any matter whatever which was not founded in perfect truth." And therefore the impression upon my mind—which you may consider—is that it may be that, although these resolutions had passed on the 12th and 29th of October, they had not reached his knowledge.

Mr. *Marryatt*.—It is just possible that they had not: but I think it a little singular, when the affidavits put in by him contain those resolutions, and state them to be published in the *Courier*, the *Morning Chronicle*, and the *Times*, that this gentleman's attention was not called to that which was supposed to be an ample retraction and apology in the face of all

mankind; because all mankind must be cognizant of their contents.

There is another observation upon the dates, which strikes me very forcibly.—When Mr. Hatchard is first threatened with a prosecution, he is desired to furnish the author, both of the report and the letter.—When does he begin to make any inquiry upon the subject? He is satisfied, in the first place, with referring to Mr. Harrison—which is in other words saying, you may take your own means to find out the author. He takes no steps for this purpose, according to his own affidavit, till the commencement of the present term; and the first application he makes for that purpose, is stated to be the 23rd or 24th day of April, the day after the commencement of the present term.

Mr. *Scarlett*.—Will your lordship excuse my reminding my learned friend, that there is no affidavit before the court to show, that there was any application made to the defendant for any author, but the author of the letter, till a very late period; and that the probability is, that the application to him was made at the time he made his application?

Mr. *Marryatt*.—I think it is in evidence upon the trial, that an application was made to him to give up the author. At all events, upon the trial we offered to stop all proceedings, if he gave up the author. But he inquires about neither till the 24th day of April. Then he goes on with that inquiry according to his own statement from the printer, for the purpose of seeing whether he can get any information upon that subject, subsequent to his filing his former affidavit, which is subsequent to the 1st of May. Then he follows up that inquiry upon the fifth day of the present month, I think, for the purpose of obtaining that information from Mr. Harrison; when he knew, from Mr. Harrison's former letter, the information would not be given him; and when he knew, therefore, it was a mere formal inquiry between himself the publisher, and the primary delinquents in this case. It has been asked, whether the African Institution defend Mr. Hatchard? I know no further, than that appears to be the very same gentleman who is described in the introductory part, naming the officers, Mr. Lambert as the solicitor for the defendant. He may certainly have individual clients as well as the society, introduced by the very respectable names which appear at the head of that report.

It has been asked what is the object of this prosecution, beyond repelling the slander or soothing the feelings of the gentlemen whose feelings were aggrieved? There is undoubtedly an ulterior object, very well becoming the interference of the legislature of the colonies in which slavery is tolerated. In modern times (I dare say the gentlemen of the African Institution intended a very different object), pains have been taken to instruct the slaves to read;

and this report holds out to them, not only in this, but in other instances, in the very preceding page, that they cannot have justice done to them in the courts in which the white inhabitants are the judges and the jury. There is, in the page preceding this, another libel upon a petit jury, who acted upon the trial of another person, stated to have been indicted for an offence in relation to the slave-trade.

Mr. *Scarlett*.—That has not been read in evidence upon the trial, and it is not referred to by the affidavits.

Mr. *Marryatt*.—It is part of the same publication, and is part of the opposite page of the same book.

Mr. Justice *Bayley*.—I apprehend you can read only those parts you have already read, unless you introduce them by affidavits.

Mr. *Marryatt*.—Then I will not refer to it, if the Court is of that opinion; but I will ask, whether it is not of great importance to those who have the supreme authority in any colony in which slavery exists, to repel an attack upon the administration of justice in that colony; especially if slaves, being instructed to read, have the means of reading this report; which, though Mr. Hatchard, I dare say, does not send out to the West Indies, most undoubtedly has been circulated very extensively indeed. It is stated in Mr. Hatchard's affidavit, that 800 and odd of these copies were altered in consequence of the resolution of the committee; and I see in the account of the annual disbursements, in this same publication, that many hundreds are spent in printing, in the course of the year, for the purpose of distribution and circulation. If the slaves are taught that they cannot obtain justice in the island, but oppressions upon the black population are stated to exist in one island, which the inhabitants of another island have no means of contradicting or knowing the falsehood of, such publications are highly calculated to induce the slaves in the colonies to take the law into their own hands, and to avenge themselves.—I shall make no allusions to any insurrections which have taken place, or any plots which have broken out; but I know of nothing so likely to induce insurrections in the West India colonies, as the encouraging a publication of this description.

Mr. *Curwood*.—I am also of counsel for this prosecution.—I should feel contented in a common case to say nothing; but I feel in this case compelled to trouble your lordships with a very few observations. With respect to the nature and character of this libel, but one opinion can be entertained: it is not my intention to examine it in detail; but it is very clear, that libels like this, with other subsidiary ones, tend to shake the safety of our West India colonies to their very foundations; and it, therefore, becomes most important, my lords, by every means, to stop the circulation

of such publications as your lordships have heard read to-day.

It is with great regret, and very painfully to my own feelings, that I stand up to ask for judgment against a gentleman whose character stands so unquestionably high as the gentleman who now stands upon your lordship's floor for judgment. But your lordships know it is a law of stern political necessity—that where the author of a libel of this kind cannot be found, the publisher must answer for it; and if Mr. Hatchard is to be made a victim, according to the phrase used by his learned counsel to-day, let it be recollected, he is not made the victim of the prosecutors, but the victim of those persons in whom he has reposed confidence, and who have deserted him in the hour of necessity; but who in a single moment can relieve him, by giving up the author of this libel. That is all we ask; and we pray for no vindictive judgment against Mr. Hatchard, if that can be done.

It is not my intention to go into the subject of the Slave-trade at all; but those who entertain an opinion different from that which had long prevailed—those who think that the slave-trade ought to be abolished—affect to be persons of purer morality than others. My lords, persons of pure morality pursue virtuous ends by virtuous means. It is not my intention to throw out any reflections against the members of that society; I know, among the members of that society, there are names exalted in virtue as they are exalted in rank: but whenever a society is formed for laudable objects, many persons lend their names to it, who would revolt from any indirect means of carrying their measures into effect. I do not therefore mean to apply my observations to those high and honourable names, but only to those who have been actually parties to the transaction now before your lordships. I should not have adverted to this, had it not been, as I conceive, strictly before the Court.—Mr. Hatchard, in the affidavit he has put in, has inserted a letter from the secretary of the society, which I presume he thinks furnishes him with a sufficient justification for not giving up the author of this publication. That letter, which is addressed to Mr. Hatchard, the secretary, states is written by order of the board of directors; and there the excuse made, why they cannot give up the author, is, because “they conclude, that, he believing in the erroneous information which he sent them to be true, they, therefore, do not feel themselves at liberty to violate the obligation arising from the confidence reposed in them.” My lords, has not Mr. Hatchard himself reposed a confidence in them?—has not their high name induced him to believe that they would put nothing into his hands but what was fit for publication?—and do they not now desert him when called upon to answer for their offence? Is that conduct which becomes persons who affect purer morality than the rest of mankind? Is it not more consistent with pure morality to

give up a guilty man for judgment, than suffer an innocent man to stand upon the floor?—My lords, as I said before, if this was not done, the fault is with them, it is not with the prosecutors—let them take shame to themselves; and if Mr. Hatchard is made the victim of any, it is not for me to say, severe judgment, but whatever judgment Mr. Hatchard may sustain from your lordships, let shame fall where shame is due.

JUDGMENT.

Mr. Justice Bayley.—John Hatchard;—You are to receive the judgment of this court for the libel which has been sold by you. The libel itself casts very gross reflections upon some one or other of the aides-de-camp of sir James Leith, the governor of the island of Antigua, and also on the administration of justice in that island, importing that there had been an act of great cruelty committed by one of the aides-de-camp of sir James Leith, an high insult from this person afterwards to sir James Leith, when he interfered to punish that, and afterwards a disposition in the grand jury of that colony, when that case was laid before them, from motives which must have been corrupt, to refuse justice to an injured individual. It is certainly a libel of no mean or inconsiderable character; and it is the greater, because it imports to come from a body of persons of very high respectability, who would not be likely to send out into the world, that which they had collected from information, unless they had canvassed that information; and unless they had had strong grounds to believe, that that information was true; and though they describe it as information, they describe it as information applicable to a fact which had occurred about a year before; so that there must have been full time to have investigated into the truth of that fact. It came, therefore, to the world under those circumstances which made it the imperative duty of those persons upon whom the libel was made, to appeal to the laws of the country, in order that it might be known, that there was no foundation for that libel. It is a libel stating a variety of circumstances, which would carry with them at least the appearance that it could not have been fabricated.

This being the character of the libel, it appears, that it was published and sold by you. Not that you are the printer; it does not import to have been printed by you: but it appears, that you are the person by whom it was sold, having been printed by order of the directors of the African Institution. “The directors are informed, that about a year ago, the following circumstance took place in the island of Antigua. A gentleman, who held the situation of aide-de-camp to the governor, sir James Leith, having severely cart-whipped a negro woman of his own, who was pregnant, she laid her complaint before the governor, who humanely attended to her story, and dismissed her with some money for herself, and

a note to her owner." I need not go through the remainder, because it has been stated already to the Court, and it has been fully discussed and canvassed at the bar. It turns out, that there is no reason to believe, that from beginning to end, there is a word of truth in the story; but that it is a wicked fabrication, coined somewhere or other.

The Court, in considering the circumstances of the case have no reason to believe that it was fabricated by you. They have no reason to believe, that you knew or had the means of knowing by whom it was fabricated. You received it as you had received other reports, from a society in which there were a great number of persons of high character and high consideration in the country, and from whom you might fairly expect that there would have been at least personal caution*—from whom you might also have expected, that if there were any thing improper in any publication coming from them, they would not have stopped the course of justice, but that they would have enabled any person against whom any insinuation had been made, to have traced that insinuation up to the fountain head; so that if there were any attack made upon any individual whatever, they should not interpose between the course of justice and that attack.

It appears by your affidavits, that you received only a limited number of this report, and that that had also been the course with respect to all the other reports which had been published; that there were a great many others published, there can be no doubt. It is a work intended for very extensive circulation—probably not merely for circulation here, but for circulation in places where publications of supposed and fictitious facts of this description may be calculated to do a great deal of mischief. Your own circulation was, according to the affidavits of which the Court see no reason upon earth to form any doubt, to a very limited extent, you published only six.

It had not escaped my observation, when it was observed by Mr. Marryatt, that the society had it called to their attention early in the month of October, that at least there was ground for doubting the truth of the statement which this libel contained, and that they had adopted some public means, first, for the purpose of insinuating that it was matter of doubt whether it was true, and afterwards for the purpose of saying, that that doubt was increased; but it does not appear that any act of the society in that respect reached your knowledge until the month of November when you were called upon by Mr. Martineau—if you had known that they had come to a resolution of that kind, it would have been your

bounden duty, the instant it was matter of doubt whether it was true or not, to have forbore and stopped the circulation as far as it respected yourself. But there is a paragraph in your affidavit to which I called the attention of the counsel, according to which I think it is but just to you to say, that we have no reason to suppose, that you had the least knowledge of what had been done by the society on the 12th or 29th of October, or that you had any reason to believe that they entertained any doubt with respect to this paragraph, prior to the period when you were called upon by Mr. Martineau, the solicitor for this prosecution.

Mr. *Hutchard*.—I beg leave to confirm that, my lord—that I did not know it till Mr. Martineau called upon me.

Mr. Justice *Bayley*.—It has been insinuated that you were not so active as you ought to have been, in order to discover who the real author was. Upon fairly looking over the affidavits from the beginning to the end, I think that that imputation against you is hardly warranted. I think it is the fair result of the whole of the affidavits, that from first to last, you appear to have given the prosecutors as much information as you really possessed; and that it was matter of absolute inability on your part to discover who the author was. Whether you have been kindly used by those persons in whose hands you have been the instrument, we cannot say. I feel myself warranted in saying, that it is at least unfortunate, that any resolution should have been passed, by which the author of a publication of this kind should have been effectually screened from justice.

It is insinuated that this originated in a letter from the West Indies. There is no affidavit that any such letter existed; but supposing, that there were such a letter, it is not necessarily true, that the author of that letter is the person upon whom this criminality ought to attach. He may have been misled by other persons; but when inquiry was made who the author of that libel was, it is to be regretted that there are any persons who step between, who prevent that information being given, and who prevent the persons upon whom the libel is made from tracing the libel to its source and fountain-head. That somebody is very highly criminal in this case, no one who has read the publication, can at all doubt; that it has originated in wilful and wicked fabrication, no man alive can doubt. That it is defeating the purposes of justice to withhold that information by which the wicked criminality might be traced up to the original author, is obvious. However, the Court does not feel itself warranted in visiting upon you that which is not your offence; satisfied as they are, that you have done every thing in your power to discover who the author is; and they feel that they have no right to add to your punishment, because you have not given up that author, whom you really are absolutely

* It should seem that the libel which formed the subject of this indictment is not the only example of a want of proper caution on the part of the African Institution in the promulgation of the reports of their directors. See the *Quarterly Review*, Vol. 28, p. 174, *notc*.

incapable of giving up. At the same time, every person who publishes a libel is answerable for that libel; and if no other is forthcoming to the hands of justice, the person by whom the publication is made, is the person who must, to a certain extent at least, answer. Not that there is the same degree of criminality in, and consequently there ought not to be the same degree of punishment inflicted upon the person who stands merely in the character of a Bookseller, selling for other persons under circumstances which imply no want of caution on his part. You did not receive it from suspicious characters—you received it from persons upon whom you thought you might with propriety and confidence rely.

Taking all the circumstances of the case into consideration—taking the character which has been given you into consideration—and taking into consideration that you are a sacrifice to other persons—that this has not originated with you, and that you are not able to give up the real author; this Court doth order and adjudge, that for this your offence, you do pay to the king a fine of 100*l.*, and that you be imprisoned in the custody of the marshal of the Marshalsea, until that fine is paid.

The defendant immediately paid the fine, and was discharged.

694. The Trial of JEREMIAH BRANDRETH, *alias* JOHN COKE, *alias* THE NOTTINGHAM CAPTAIN, for High Treason; before the Court holden under a Special Commission at Derby, on Thursday, Friday, and Saturday, the 16th, 17th, and 18th days of October; 57 GEORGE III. A. D. 1817.

[At the Assizes holden at Derby for the county of Derby, on the 26th day of July, 1817, the Grand Jury found the following bill of Indictment:]

Derbyshire } THE jurors for our lord
to Wit } the king upon their oath
present that Thomas Bacon late of the parish of Pentridge in the county of Derby labourer Jeremiah Brandreth late of the same parish of Pentridge in the same county labourer otherwise called John Coke late of the same place labourer otherwise called the Nottingham Captain late of the same place labourer George Weightman late of the same parish of Pentridge in the same county of Derby sawyer William Turner late of the parish of Southwingfield in the same county of Derby stone mason Joseph Turner late of the same parish of Southwingfield in the same county of Derby labourer otherwise called Manchester Turner late of the same place labourer Isaac Ludlam the elder late of the same parish of Southwingfield in the same county of Derby stonegetter Isaac Ludlam the younger late of the same parish of Southwingfield in the same county of Derby labourer Samuel Ludlam late of the same parish of Southwingfield in the same county of Derby labourer William Ludlam late of the same parish of Southwingfield in the same county of Derby farmer Edward Turner late of the same parish of Southwingfield in the same county of Derby stone mason

Robert Turner late of the same parish of Southwingfield in the same county of Derby labourer Charles Swaine late of the same parish of Southwingfield in the same county of Derby labourer John Onion the elder late of the said parish of Pentridge in the same county of Derby labourer John Mac Kesswick late of the parish of Heanor in the same county of Derby labourer John Hill late of the said parish of Southwingfield in the same county of Derby labourer Joseph Rawson late of the parish of Alfreton in the said county of Derby labourer otherwise called Joseph Thorpe late of the same place labourer Joseph Topham late of the said parish of Pentridge in the same county of Derby blacksmith German Buxton late of the said parish of Alfreton in the same county of Derby labourer Edward Moore late of the said parish of Pentridge in the same county of Derby labourer Josiah Godber late of the same parish of Pentridge in the same county of Derby labourer George Brassington late of the same parish of Pentridge in the same county of Derby labourer William Adams late of the same parish of Pentridge in the same county of Derby labourer William Hardwick late of the same parish of Pentridge in the same county of Derby labourer John Wright late of the same parish of Pentridge in the same county of Derby labourer Thomas Ensor late of the same parish of Pentridge in the same county of Derby labourer Joseph Savage late of the same parish of Pentridge in the same county of Derby labourer John Moore late of the same pa-

rish of Pentridge in the same county of Derby labourer William Weightman late of the same parish of Pentridge in the same county of Derby labourer Thomas Weightman late of the same parish of Pentridge in the same county of Derby labourer Joseph Weightman the younger late of the same parish of Pentridge in the same county of Derby labourer James Weightman late of the same parish of Pentridge in the same county of Derby labourer Thomas Bettison late of the said parish of Alfreton in the said county of Derby labourer Alexander Johnson late of the said parish of Pentridge in the same county of Derby labourer John Bacon late of the same parish of Pentridge in the same county of Derby labourer Joseph Weightman the elder late of the parish of Pentridge in the same county of Derby labourer James Barnes late of the said parish of Alfreton in the same county of Derby labourer Edward Haslam late of the said parish of Alfreton in the same county of Derby labourer John Horsley late of the said parish of Alfreton in the same county of Derby tailor Samuel Briddon late of the said parish of Southwingfield in the same county of Derby labourer William Barker late of the said parish of Southwingfield in the same county of Derby labourer William Elliott late of the said parish of Alfreton in the same county of Derby labourer James Taylor late of the said parish of Southwingfield in the same county of Derby labourer Joseph Taylor late of the said parish of Southwingfield in the same county of Derby labourer Benjamin Taylor late of the said parish of Southwingfield in the same county of Derby labourer and Samuel Walters late of the said parish of Pentridge in the same county of Derby labourer otherwise called Samuel Dudley late of the same place labourer being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the ninth day of June in the fifty-seventh year of the reign of our sovereign lord George the third by the grace of God of the United Kingdom of Great Britain and Ireland king defender of the faith and on divers other days and times between that day and the fifteenth day of the same month of June with force and arms at the said parish of Southwingfield in the said county of Derby together with a great multitude of false traitors whose names

are to the said jurors unknown to the number of five hundred and more arrayed and armed in a warlike manner that is to say with swords pistols clubs bludgeons and other weapons being then and there unlawfully maliciously and traitorously assembled and gathered together against our said lord the king wickedly malicious and traitorously *did levy and make war against our said lord the king* within this realm and being so assembled together arrayed and armed against our said lord the king as aforesaid *did then with great force and violence parade and march in an hostile manner in and through divers villages places and public highways to wit at the parish of Southwingfield aforesaid in the said county of Derby and did then and there maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the government and constitution of this realm as by law established* in contempt of our said lord the king and his laws to the evil example of all others contrary to the duty of the allegiance of them the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliot James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley against the form of the statute in such case made and provided and against the peace of our said lord the king his crown and dignity

Second Count.—And the jurors aforesaid upon their oath aforesaid further present that the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Jo-

seph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously amongst themselves and together with divers other false traitors whose names are to the said jurors unknown *did compass imagine invent devise and intend to deprive and depose our said lord the king of and from the style honour and kingly name of the imperial crown of this realm and the said compassing imagination invention device and intention did then and there express utter and declare by divers overt acts and deeds* hereinafter mentioned that is to say in order to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid they the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moor Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley as such false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously *did assemble meet conspire consult and agree among themselves and together with divers other false traitors whose names are to the said jurors unknown to stir up raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established* And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid They the said Thomas

Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley as such false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously *did assemble meet conspire and consult among themselves and together with divers other false traitors whose names are to the said jurors unknown to devise arrange and mature plans and means to subvert and destroy the constitution and government of this realm as by law established* And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid They the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley as such false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously *did assemble meet conspire consult and agree among themselves and together with divers other false traitors whose names are to the said jurors unknown to stir up raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established* And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid They the said Thomas

Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliot James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley as such false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously *did purchase procure provide and have divers large quantities of arms (to wit) swords pikes guns and pistols and divers large quantities of ammunition (to wit) gunpowder leaden bullets and slugs with intent therewith to arm and array themselves and divers other false traitors in order to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other his liege and faithful subjects and to raise make and levy insurrection rebellion and war against our said lord the king within this realm and to subvert and destroy the constitution and government of this realm as by law established* And further to fulfil perfect and bring into effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid They the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph

Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliot James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley assuch false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously together with a very great number to wit five hundred and more of the subjects of our said lord the king whose names are to the said jurors unknown then and there assembled with divers offensive weapons (to wit) swords guns pistols sticks and staves *did parade and march with great noise and violence in through and along divers public highways villages and places (to wit) at the parish of Southwingfield aforesaid in the said county of Derby and did attack and beset the houses and habitations of divers liege subjects of our said lord the king and did seize and take divers large quantities of arms (to wit) one hundred guns and one hundred pistols and other offensive weapons with intent by and with the said last mentioned arms further to arm themselves and other false traitors in order to attack fight with kill and destroy the soldiers troops and forces of our said lord the king and other his liege and faithful subjects and to raise make and levy insurrection rebellion and war against our said lord the king within this realm and thereby to subvert and destroy the constitution and government of this realm as by law established (to wit) at the parish of Southwingfield aforesaid in the county of Derby aforesaid* And further to fulfil perfect and bring to effect their most evil and wicked treason and treasonable compassing imagination invention device and intention aforesaid They the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John

Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley as such false traitors as last aforesaid on the said ninth day of June in the fifty-seventh year of the reign aforesaid with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid together with a great multitude of false traitors whose names are to the said jurors unknown to the number of five hundred and more armed and arrayed in a warlike manner (that is to say) with guns pistols swords clubs bludgeons and other offensive weapons maliciously and traitorously *did ordain prepare levy and make public war against our said lord the king within this realm* in contempt of our said lord the king and his laws to the evil example of all others contrary to the duty of the allegiance of them the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley against the form of the statute in such case made and provided and against the peace of our said lord the king his crown and dignity.

Third Count.—And the jurors aforesaid upon their oath aforesaid further present that the said Thomas Bacon Jeremiah Brandreth otherwise called John Coke otherwise called the Nottingham Captain George Weightman William Turner Joseph Turner otherwise called Manchester Turner Isaac Ludlam the elder Isaac Ludlam the younger Samuel Ludlam William Ludlam Samuel Hunt Edward Turner Robert Turner Charles Swaine John Onion the elder John Mac Kesswick John Hill Joseph Rawson otherwise called Joseph Thorpe Joseph Topham German Buxton Edward Moore Josiah Godber George

Brassington William Adams William Hardwick John Wright Thomas Ensor Joseph Savage John Moore William Weightman Thomas Weightman Joseph Weightman the younger James Weightman Thomas Bettison Alexander Johnson John Bacon Joseph Weightman the elder James Barnes Edward Haslam John Horsley Samuel Briddon William Barker William Elliott James Taylor Joseph Taylor Benjamin Taylor and Samuel Walters otherwise called Samuel Dudley being subjects of our said lord the king not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and seduced by the instigation of the devil as false traitors against our said lord the king and wholly withdrawing the love obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the said ninth day of June in the fifty-seventh year of the reign aforesaid and on divers other days and times as well before as after with force and arms at the parish of Southwingfield aforesaid in the county of Derby aforesaid maliciously and traitorously amongst themselves and together with divers other false traitors whose names are to the said jurors unknown *did compass imagine invent devise and intend to levy war against our said lord the king within this realm in order by force and constraint to compel him to change his measures and counsels and the said last-mentioned compassing imagination invention device and intention did then and there express utter and declare by divers overt acts and deeds herein-after mentioned* (that is to say)—The indictment then states the same five overt acts charged in the second count

On the 25th of September, two several special commissions of Oyer and Terminer, and general Gaol delivery, dated the 26th day of August, were opened at Derby, before the honourable Mr. Justice Abbott and the honourable Mr. Justice Holroyd, and on the 26th the prisoners who were in custody were set to the bar (several of them having been removed for that purpose from the county gaol of Nottingham by writs of Habeas Corpora) and at their request John Cross, esquire, and Thomas Denman, esquire, were assigned as their counsel; and the court directed that the Prisoners, Counsel and Solicitors should have access to them at all seasonable hours.

The sheriff was ordered, on the motion of the attorney-general, to deliver to Mr. Litchfield the Solicitor for the Prosecution, a list of the jury to be returned for

the Trial of the Prisoners and the Court adjourned to Wednesday the 15th of October.

On the 2nd of October, Mr. Litchfield delivered to each of the several Prisoners a copy of the Indictment, a list of the Petit Jurors, and a list of the witnesses to be produced by the Crown for proving the said Indictment.]

DERBY,

Wednesday, 15th October, 1817.

Present,

The Right hon. Lord Chief Baron Richards;
The hon. Mr. Justice Dallas [afterwards C. J. C. P.];
The Hon. Mr. Justice Abbott, [afterwards C. J. K. B.];
The Hon. Mr. Justice Holroyd.

Counsel for the Crown.

The Attorney General [Sir Samuel Shepherd, afterwards Lord Chief Baron of the Exchequer of Scotland];
The Solicitor General [Sir Robert Gifford];
Mr. Sergeant Vaughan,
Mr. Clarke,
Mr. Gurney,
Mr. Sergeant Copley,
Mr. Reader,
Mr. Reynolds,
Mr. Richardson [afterwards a Judge of the Common Pleas].
Mr. J. Balguy.

Solicitors.

Henry Charles Litchfield, esq. Solicitor for the affairs of his Majesty's Treasury; and Messrs. Ward, Lockett, and Balguy, Derby.

Counsel for the Prisoners.

Mr. Cross, Mr. Denman.

Solicitors.

Mr. Robert Bond, and Mr. Thomas Wragg.

The high sheriff returned the panel of the grand jury, when the following gentlemen were called and sworn :

The Right honourable *George Augustus Henry Cavendish*, commonly called lord *George Cavendish*,
The hon. *George Vernon*,
The hon. *Henry Cavendish*,
Sir *Robert Wilmot*, bart.
Sir *Matthew Blackiston*, bart.
Sir *Henry Fitzherbert*, bart.
Sir *William Chambers Bagshaw*, knight.
Sir *Charles Colville*, knight.
Richard Arkwright, Esq.
Ashton Nicholas Mosley, Esq.
Edward Miller Mundy, Esq.
Francis Hart, Esq.
Philip Gell, Esq.
John Radford, Esq.

Francis Mundy, Esq.
Charles Hart, Esq.
Wingfield Halton, Esq.
Backe Heathcote, Esq.
John Crompton, Esq.
Richard Bateman, Esq.
Samuel Frith, Esq.
Marmaduke Middleton Middleton, Esq.
Joshua Jebb, Esq.

His Majesty's Proclamation for the encouragement of piety and virtue, and for the preventing and punishing of vice, profaneness, and immorality, was read.

Lord Chief Baron *Richards*.—Gentlemen of the grand jury; It is a matter of great satisfaction to see so numerous and so respectable an attendance of grand jurors, but I am not apprised of any circumstances the communication of which seems to be necessary or expedient at the present time. If any occurrences should arise which should render it necessary, you will immediately be informed, and requested to attend to execute your high functions, and I shall have the honour, I have no doubt, of seeing you all in your places upon that notice. At present I do not feel it necessary to trouble you further.

Gentlemen should be informed that it is the expectation of the court that no part of the proceedings, which are to commence to-morrow, should be published in any manner until all the proceedings are concluded. I give this notice now with the concurrence of the whole court, in order to put persons in possession of the resolution of the court, that due notice will be taken if this intimation be not attended to. I shall mention it again to-morrow.

Mr. Attorney General can you give us any information as to the mode of proceeding?

Mr. Attorney General.—My lord, I should think that, as your lordship's address to the grand jury has not occupied any considerable portion of the time of the Court, it might probably save some of your lordship's time to-morrow if a certain number of the prisoners, whom it might be convenient to bring up, were brought before your lordships for the purpose of being arraigned so as to plead to-day. If my friends, who are of counsel for the defendants, see no objection to that, I would propose, in order to save the time of your lordships, that some, or indeed the whole of the prisoners may be arraigned to-day, being brought up in such numbers as may be convenient; for it does not appear to me that there will be room for all the prisoners to be at the bar together. The course we shall afterwards adopt will, in some degree, depend upon what shall be done upon the part of the prisoners: whether my friends will have any objection to state to your lordships what course they shall adopt I am not aware; and I am sure they will understand me neither to request nor to wish that they should say one word upon the subject till the very moment, when it will be necessary for them to declare what

their mode of proceeding shall be, if any purposes of convenience, or any others will, in their opinion, be answered by delaying it. Our course of proceeding will probably vary according as the prisoners may be advised by their learned counsel; for I believe my friends appear as counsel for all of them. Our course of proceeding may possibly be regulated by my friends having the goodness to intimate, at such time as shall be most convenient and desirable for their clients, whether they mean to sever their challenges, or not. Whether that shall be declared now or not it does not appear to me that it will make any difference as to the arraigning the prisoners, or any number of them; or if your lordships should think that it may be more convenient to arraign a certain number to-day, and the remainder to-morrow morning; to us it is perfectly indifferent. If your lordships should conceive that it would be desirable to arraign a certain number, so as to try four or five together, to that I can have no objection. All I would propose is, that any number, eight, ten, or twelve (if your lordships think that number is not too great) should now be brought up to be arraigned.

Lord Chief Baron *Richards*.—Do you gain any time by arraigning eight or ten?

Mr. *Attorney General*.—They may be all arraigned in the course of an hour or somewhat more, taking them in certain numbers. The indictment must, of course, be read over every time.

Lord Chief Baron *Richards*.—Have you any objection, Mr. Cross?

Mr. *Cross*.—I conceive, my lord, that no inconvenience can possibly arise to the prisoners from the arraignments taking place in such numbers as are most convenient to the Court; whether singly, or several together, or all together, seems to me, as far as respects the rights and interests of the prisoners, a matter of perfect indifference; and, therefore, whatever course the attorney-general may think most for the convenience of the Court will be by me, on the part of the prisoners, instantly acceded to.

Mr. *Attorney General*.—I am very much obliged to my friend; I conceived it to be a matter of perfect indifference to the prisoners or I would not have made the proposition.

Lord Chief Baron *Richards*.—I think, Mr. *Attorney General*, you had better take your own course, as the counsel for the prisoners have no objection.

Mr. *Attorney General*.—My lord, I understand that the gaoler has twelve of the prisoners here, and I think it will be most convenient to your lordship and to the sheriff that that number should be taken together.

Thomas Bacon, Jeremiah Brandreth, otherwise called John Coke, otherwise called

the Nottingham Captain, George Weightman, William Turner, Joseph Turner, otherwise called Manchester Turner, Isaac Ludlam, the elder, Isaac Ladlam, the younger, Samuel Ludlam, William Ludlam, Samuel Hunt, Edward Turner, and Robert Turner, were arraigned, and severally pleaded *Not Guilty*.

Mr. *Attorney General*.—I do not know whether your lordship will take twelve others at this time.

Lord Chief Baron *Richards*.—Take your own course, Mr. *Attorney*.

Charles Swaine, John Onion, the elder, John McKeswick, John Hill, Joseph Rawson, otherwise called Joseph Thorpe, Joseph Topham, German Buxton, Edward Moore, Josiah Godber, George Brassington, William Adams, and William Hardwick, were arraigned, and severally pleaded *Not Guilty*.

John Wright, Thomas Ensor, Joseph Savage, John Moore, William Weightman, Thomas Weightman, Joseph Weightman, the younger, James Weightman, Thomas Bettison, Alexander Johnson, and John Bacon, were arraigned, and severally pleaded *Not Guilty*.

Mr. *Attorney General*.—I will not ask my learned friend, Mr. Cross, to state whether the prisoners mean to sever their challenges, if they have not decided, or, having decided, have the least objection to answering the question now: the only reason why I venture to propose it is that it might possibly save time.

Mr. *Cross*.—My lord, we have not yet determined.

Lord Chief Baron *Richards*.—Mr. Cross has intimated to me that he is not prepared to give an answer. The Court will sit to-morrow morning at nine o'clock, as there may be a difficulty in procuring a jury on the first day before that hour; we propose to sit on subsequent days at eight.

Adjourned to to-morrow morning nine o'clock.

Thursday, 16th October, 1817.

The Jurors returned by the Sheriff were called over, when the following were excused:

Luke Ashby, farmer, on account of illness.

John Smith, farmer, on account of illness.

Richard Smith, hosier, on account of age.

William Fox, joiner, on account of illness.

Francis Walker, innkeeper, on account of illness.

Thomas Hartshorne, maltster, on account of age.

John Needham, farmer, not summoned, having removed from the county.

Joseph Gould, farmer, on account of illness.
Timothy Greenwood, farmer, on account of illness.

William Gardom, gentleman, not summoned, having removed from the county.

Samuel Fox, farmer, not properly described in the panel.

George Barker, gentleman, on account of illness.

George Kirk Shirt, yeoman, on account of illness.

Thomas Clarke, gentleman, on account of illness.

Henry Hodgkinson, farmer, on account of age.

Ebenezer Smith, iron master, on account of illness.

John Heywood, the elder, farmer, on account of age.

Mark Hewett, draper, on account of illness.

Samuel Beeley, farmer, on account of illness.

The list having been gone through, the defaulters were called over.

William Jerrom, farmer, fined 10*l*.

Joseph Garner, farmer, fined 10*l*.

John Withnall, farmer, fined 10*l*.

Charles Hill, farmer, fined 10*l*.

William Horobis, farmer, fined 10*l*.

Robert Needham, gentleman, fined 10*l*.

Joseph Villers, gentleman, fined 10*l*.

William Birds, gentleman, fined 10*l*.

Thomas Walthall, gentleman, fined 10*l*.

Richard Needham, farmer, fined 10*l*.

William Milnes, gentleman, fined 10*l*.

Thomas Slagg, farmer, fined 10*l*.

Mr. Attorney General.—My lord, my learned friend having stated that it is his intention to sever his challenges, I should inform your lordship, that it is my intention to proceed to the trial of Jeremiah Brandreth first.

[The prisoner, Jeremiah Brandreth, otherwise John Coke, otherwise the Nottingham Captain, was accordingly set to the bar.]

The Jurors returned by the Sheriff, and who had answered to their names, were again called over.

William White, farmer, challenged by the prisoner.

William Morley, farmer, challenged by the prisoner.

William Wilkes, farmer, sworn.

John Stretton, farmer, sworn.

Robert Beard, farmer, challenged by the prisoner.

Thomas Robotham, farmer, challenged by the crown.

William Salt, miller, challenged by the prisoner.

Robert Frost, farmer, challenged by the prisoner.

John Tempest, farmer, sworn.

John Hancock, esq. challenged by the prisoner.

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William Bailey, farmer, challenged by the prisoner.

Samuel Wilder, farmer, sworn.

Thomas Archer, farmer, sworn.

Thomas Orne, farmer, challenged by the prisoner.

Thomas Harvey, farmer, not a freeholder of the county of Derby, to the amount of 10*l*. a year.

Samuel Archer, farmer, challenged by the prisoner.

Thomas Borough, gentleman, challenged by the crown.

Thomas Hall, farmer, challenged by the prisoner.

Thomas Ensor, farmer, challenged by the prisoner.

Walthall Spurrier, farmer, challenged by the prisoner.

Henry Sparrier, farmer, challenged by the prisoner.

Michael Goodall, farmer, challenged by the prisoner.

Thomas Lowndes, farmer, challenged by the prisoner.

Thomas Webster, farmer, challenged by the prisoner.

John Bradshaw, farmer, challenged by the prisoner.

Robert Eaton, farmer, sworn.

Thomas Gilman (of Osliston and Thurstaston), farmer, sworn.

Thomas Sherwin, farmer, sworn.

Thomas Gilman (of Rodsley), farmer, sworn.

William Shipton, farmer. (No challenge having been made, the crier commenced the administration of the oath, when challenges were interposed by Mr. Denman, and nearly at the same moment by the solicitor-general.)

Mr. Solicitor General.—You should mention that a little sooner: you do not mention it till they begin to be sworn.

Mr. Cross.—They are to be challenged before they are sworn: I apprehend that means before they are fully sworn.

Mr. Attorney General.—My lord, I apprehend that that means before they begin to be sworn. When the prisoner has decided that he will not challenge, it is for the crown to decide whether they shall challenge or not. Now, if the swearing of a juryman is begun, the crown cannot tell, till the last word of the oath comes out of the officer's mouth, whether the prisoner will exercise his privilege; and the consequence is, that if the last word of the oath comes out of the officer's mouth, the crown is prevented from challenging, because then the juror is sworn: and, though I am sure that if my learned friend, Mr. Cross, from inadvertence, did not attend at the moment, I should be very far from desiring to preclude him from exercising the right at any time; yet I apprehend, "being challenged before they are sworn," means before they begin to be sworn by the officer; and that is the course I have

always seen pursued, as well in trials in which I have been myself engaged, as in other trials. That was the course on the late trial for treason, in the Court of King's-Bench, where the officer looked first to the counsel for the prisoner, then to the counsel for the crown; and, receiving no intimation from the one or the other, he then gave the juror the book.

Mr. Cross.—I was not aware that the prisoner was bound to exercise his right of challenge before the crown; nor did I conceive it to be any privilege to the prisoner so to do; because, undoubtedly, it is a disadvantage to the prisoner to expend his challenge on a person who would be the subject of a challenge by the crown. I must take your lordships' direction, whether we are bound to make our challenge before the crown.

Mr. Attorney General.—I apprehend that the prisoner has a right to make his challenge at any time before the book is put into the juryman's hand. They may change their intention at any time before the man begins to be sworn; but I submit, that neither the prisoner's counsel, nor the counsel for the crown, have a right to challenge the juryman after he begins to be sworn. If, through any circumstance, there were inadvertence on the part of the prisoner, I certainly should not insist on his being tried by a juryman to whom he felt an objection; but I apprehend that the prisoner is called upon to challenge first; and one of my reasons is, that the prisoner has five and thirty peremptory challenges. The crown challenges peremptorily, but if, after they have made their challenges, there are not a sufficient number of jurymen, the crown must show cause; and therefore the prisoner ought necessarily to decide, whether he means to exercise his peremptory challenge, before he calls upon the crown to exercise its right of challenge; for which, though peremptory in the first instance, it may afterwards be necessary that we should assign cause; in fact, it is a qualified challenge, because it may afterwards become necessary to establish it by showing cause.

Mr. Denman.—My lord, unless this has been already decided, I humbly wish to add a few words.

Mr. Solicitor General.—Unless you make it matter of favour, I do not think you are entitled to be heard in this stage.

Mr. Denman.—I ask it as matter of favour; the importance of it did not strike me before. I trust, on this subject, your lordship will indulge me with a few observations.

Mr. Justice Abbott.—Having attended, I believe, more trials of this kind than any other of the judges, I would state that the uniform practice has been, that the juryman was presented to the prisoner, or his counsel, that they might have a view of his person; then the officer of the Court looked first to the counsel for the prisoner, to know whether they wished to

challenge him; he then turned to the counsel for the crown, to know whether they challenged him, and if neither of them made any objection, the oath was administered; and from reference to the State Trials (independently of the terms of the intimation made to the prisoner when he may challenge), it is clear, that that must be the uniform practice: for this reason you will very often find, that the prisoner himself, in the early part of our history, said, "I do not challenge him;" then, at a later period, you find his counsel saying "I do not challenge him;" and then the attorney-general, or the counsel for the crown, saying, "then I challenge him for the crown," evidently showing that that was the practice. I can speak to the practice for the last twenty years.

Mr. Denman.—If your lordship thinks that the practice which has prevailed is decisive, I will not trouble the court; but I think it is very important, especially where there are three hundred jurors returned to try these prisoners, and where the thirty-five challenges are only as a drop in the ocean; there is still remaining a panel three or four times larger than that to which the prisoner generally applies his challenges; it appears to me that this is a question which cannot very frequently arise, but which is very important in principle, and that the fair course would perhaps be, where either party has an objection to a juryman on the point of being sworn, that each side should give in that objection to the court, and that then some alternation should take place as to the privilege. I do not mean to say that such has been the practice, but that to secure any thing like fairness and mutuality for the parties, that is necessary; for here the crown gets the benefit of the prisoner's challenge; the crown has an objection to him also, and though it is very true that the crown must afterwards support their challenge by assigning cause, yet it is perfectly clear, that this panel cannot be deficient in point of number; the crown can never be put to any inconvenience; when all the thirty-five challenges are expended, it is impossible there should not be enough left to try the prisoner; the question then clearly is, whether the crown are by means of the fears of the prisoner to get rid of a person whom they do not choose to trust to try the case; I think it my duty to state this to the court, thinking it a matter of the very greatest importance.

Mr. Attorney General.—I will make one or two observations to your lordship. As far as my recollection goes, having referred to several state trials for high treason—I do not mean to say that I have looked at those trials for the express purpose of this question—but I think from my recollection I can venture to challenge my learned friends to search from the first volume of State Trials down to the last, and that they will not discover any other course of proceeding than that of the prisoner first making his election to challenge or not, and I presume for the reason that I have taken the liberty of

already stating to your lordship, which is, that the prisoner has his right of peremptory challenge from any caprice, if I may use the term, or any other impression on his mind, and of getting rid of the juror upon that peremptory challenge. The prisoner has also, as your lordships know, after he has exhausted his peremptory challenges, a right to challenge for cause; the crown has no right to a peremptory challenge ultimately, but the crown has a right to challenge, and if it shall happen that through the exercise of the prisoner's right of thirty-five peremptory challenges and the exercise of the prisoner's right of challenging for cause, a sufficient number of jurymen are not in attendance, the crown is required to show sufficient cause of challenge. I apprehend the right of peremptory challenge must be exercised first, or I would put this case to my learned friend, —let me suppose that the prisoner does not challenge some particular person in the outset, the crown does, the jurymen stand by, the panel is exhausted, and then the crown is called upon to support its cause of challenge against a particular jurymen; the crown does not support its cause of challenge against that particular jurymen, and yet, according to that which is contended for by my learned friend, the prisoner would have a right to challenge that jurymen if he had not exhausted his own thirty-five, or if he had exhausted his own thirty-five, to challenge that jurymen for cause. Now what a most extraordinary proceeding would this be, and I put it to your lordships that that which I state most positively has never been questioned, and on reading the State Trials you will find that that which appears to have been always the practice is also founded on the principle, that the absolutely peremptory challenges must be made first to leave those remaining upon the panel, about whose capacity to serve (when I say capacity to serve I mean in consequence of any objection) questions may arise, to be made out by evidence on the part either of the prisoner or of the crown. I, therefore, humbly submit to your lordship, with great deference but with considerable confidence, that it is the constant, the reasonable, and the legal course of proceeding, that the prisoner is first to exercise his right, and when he has relinquished the exercise of that right, it is for the crown to exercise a qualified right as to challenging without cause in the first instance, but making good that cause if necessary: that which always has been done, I apprehend ought to be done in this case, that is, that the prisoner's counsel should signify whether they challenge, before the crown is called upon to exercise its right.

Mr. Justice Dallas.—Will you give us the form of the proclamation?

Mr. Gurney.—“You shall challenge them as they come to the book to be sworn, and before they are sworn.”

Mr. Solicitor General.—Lord Hale says, “If no challenge hinders, the jury are commanded

to look on the prisoners, and then, severally, twelve of them are sworn.”

Lord Chief Baron Richards.—With respect to the question which has been discussed before the court, I am myself of opinion, and I believe I have the concurrence of my learned brothers, that the usual and proper course is, that the challenge should be made before the oath is begun to be administered. The declaration to the prisoner is, that he shall make his challenge when the juror comes to the book to be sworn, and before he is sworn; it appears to me extremely unreasonable to imagine that the oath is to be interrupted by any challenge: the oath is one and entire, and, from the time when the officer has begun to administer it, until he concludes it, is not to be interrupted. I, therefore, am of opinion that the practice of the courts is consistent with the principle that there should be no interruption in the course of the delivery of the oath by the officer to the juror. I am aware that in many cases that rule is dispensed with from comity and tenderness, and there are many cases in which one would wish that that comity and tenderness should be displayed; but we are now called to decide upon the rule. If that be so, then either side must declare his intention to challenge before the oath is begun to be administered.

The other part of the question before us seems to me quite clear upon the principle that the prisoner is to declare his resolution first. It certainly is so in practice, about which, with the very small experience I have had, I can say I have no doubt, but others of the court have had very large experience upon the subject, and I conceive it to be clear, that it is according to the practice of the courts that the prisoner should first declare his resolution as to challenging. I think it is so upon principle also; he has his peremptory challenges, and then the rest of the jury lie in common between him and the crown. The usual course has been, as I understand (and I have no doubt of it myself), that the officer has, from a sort of civility that has been adopted with great propriety, addressed himself by looks to the counsel for the prisoner, in order to know his intention; if he says nothing, he has declared his intention not to challenge, he has submitted to the juror: then the officer has been in the habit of looking to those on the part of the crown, and, if they say nothing to him, they declare in effect their intention not to challenge. If neither side says any thing, the officer proceeds to administer the oath; after which, as it appears to me neither side have a right to interrupt him, for the oath is one and entire, and it is against decorum propriety and good sense to interrupt it.

Mr. Justice Dallas.—I entirely concur in opinion with my lord chief baron. The points which have been made in this case I understand to be these.—In the first place it is insisted that the crown is bound to challenge first, and

that the prisoner is entitled to wait till it be ascertained whether the crown intends to challenge the particular juror or not. With respect to that, if the question were entirely new, it would be necessary to discuss it upon principle; and upon principle I should have no doubt whatever, because I see no reason to distinguish this case from any other, except in favor of the right of the crown to challenge last; for, in proceedings of this sort, the prisoner must be furnished with a list of the names of the witnesses before they are called to be sworn, and of the jury, in order that he may inquire into the circumstances of each, and he has a considerable time to acquire full information as to each. But the question is not new. We know perfectly well that there are a great number of questions that depend upon practice, and where the course of proceeding must be settled and decided by usage; when, therefore, I find it stated from high authority that the usage has been uniform in this respect, that the prisoner should decide whether he will challenge or not, before the crown makes its challenge, it would be sufficient to say, that in this case I see no reason whatever to depart from the usual practice, and to decide that the crown is bound to challenge first. Having given all the attention in my power to the arguments of the learned counsel for the prisoner, they have not suggested a single reason that weighs at all with me, why now, for the first time between the prisoner and the crown, it is to be decided in contradiction to uniform usage, that the crown is to make the first challenge. On the first point I have no doubt, therefore, that the prisoner is bound to make his challenge first.

That brings me to the second consideration, when is that challenge to be made? It is insisted that the challenge may be made at any time before the oath is concluded. With respect to that, first upon principle and public convenience, it seems to be a very inconvenient course of proceeding, that the oath should be suffered to be repeated by the officer of the court till it draws to its close, all but the last word, and that then the counsel for the prisoner may rise and make his challenge for the first time. Courts of justice will not, beyond a given extent, countenance the consumption of time; and I hope that in this case whatever may be the duration of it—I know it will be as to the other learned judges on the bench, and I trust it will be as to myself—the time will not be attended to, if necessary to the due observance of justice; but it is a wise and salutary principle in all proceedings of this sort, and more peculiarly in one which, from its nature, must necessarily be long, that no time should be unnecessarily wasted. Will it not be an unnecessary waste of time, if it be a privilege which (without inquiring into the reasonableness of it) the counsel for the prisoner may exercise, that the time of the court may be employed unnecessarily in going through the form of reading the oath up to the conclusion of it?

But to quit for a moment the ground of principle and public convenience, how is it in practice? Here again it is uniform, for all those who have had occasion to attend trials of this sort, concur in stating that the practice has always been, to make the challenge before the oath has begun to be administered; but it does not rest merely on the recollection of the learned judges who have recently attended proceedings of this sort, for I have before me a book in which the rules and orders are collected as to the administration of this oath: and first as to the question, who is first called on, the prisoner is called on "if he intends to challenge a juror, to speak at the time that he comes to the book to be sworn, and before he is sworn;" now in reason and common sense, what does that amount to but this (and the last words, if there should be any doubt, are an exposition of the meaning of the former), that before he is sworn, means as he comes to the book to be sworn, and therefore that the challenge must be made before the oath is commenced? And we find, in applying the course of proceedings, it is stated—"Then the clerk of arraigns calls the first juror, and desires him to look upon the prisoner, and lay his right hand upon the book, and"—What if the prisoner do not challenge him?—"the cryer is then to swear him." So that the cryer is to begin to swear him when the prisoner has omitted to challenge. Now, I do not mean to say (and I am sure the attorney-general would not contend, whatever the law may be in strictness of construction) that it would be so strictly applied as not to wave the right on the part of the crown, if any discovery had been made between the commencement and the conclusion of the oath; but every case of that sort is a special case, and must depend upon its own circumstances. On the general point, whether considered on practice, on usage, or on the general principle, I have no doubt whatever that the prisoner is to make his challenge before the crown makes its decision; and that both the one and the other must be concluded when the oath has commenced.

Mr. Justice Abbott.—The Court is now called upon to lay down a general rule. I have no doubt that, if from inadvertence, or any other cause, the prisoner or his counsel should have omitted to make the challenge at the proper moment, the strictness of the rule which confines him to make his challenge before the officer begins to administer the oath, would not be insisted upon by the attorney-general, or if insisted upon by him would not be allowed by the Court. But in prescribing a general rule, I should be extremely unwilling to depart from what I conceived to be an uniform practice. I have already expressed my own opinion, formed on my recollection of many former trials of this kind. I recollect one trial for felony, in which there were several challenges taken both on the part of the prisoner and on the part of the crown. In the case of felony, challenges are very unusual. In

that case the course pursued by the officer of the court was that which has always been pursued by the officer on trials for treason, where challenges are more common; he applied to the counsel for the prisoner, to know, whether he challenged or not, and then to the counsel for the crown.

Considering this to have been the usual practice, I should have been very unwilling now, for the first time, to lay down a different rule, unless very good reasons had been assigned for departing from it; unless it had been shown in argument that the rule was attended with inconvenience in the administration of justice, or hardship on the prisoner. The argument, however, on the part of the prisoner has not satisfied my mind that any such consequences will ensue; I think, therefore, that we ought to abide by that practice, which, according to all I have this day heard, I should think the most convenient that could be established, if the question were now for the first time presented to a court of justice, and no precedent referred to; I am therefore of opinion, that the counsel for the prisoner ought, in the first instance, before the officer begins to administer the oath, to declare whether he intends, or not, to challenge; that on his declining, then the crown must determine whether they challenge; and, on both declining, then the officer must swear the juror, and that after that moment, by strict rule, both parties are excluded from interference; but if any particular circumstance should arise, I have no doubt the strict rule would be waived.

Mr. Justice *Holroyd*.—I am of opinion that the strict rule is, that challenges shall be made before the oath is begun to be administered. When a juror is called and presented to the Court, the first thing is, to ascertain whether he is a juror or not. The next thing to be inquired into is, whether either party has cause of challenge, or not: I mean, after it is ascertained that he is a freeholder, and has those qualifications, without which he cannot be sworn. The first step, therefore, is to ascertain whether he is to be sworn or not. The course has always been, and if my recollection is right, the course has been determined to be, that the prisoner's counsel should first state whether they challenge or not. The next thing, if they do not object to him, is to ascertain whether the counsel for the crown object to him; and it is not intended that the Court, or the officer of the Court, are to do that which would be a nugatory act—to swear him. Then, if neither party challenge him, and it is shewn, that he is a person qualified to be a juror, the only requisite step that remains to be done, is, that he shall be sworn, by which he becomes a complete juror; and that is not to be done till it is ascertained whether there is a challenge by either party.

The act of swearing I take to be on single act; and it would be extremely indecous that the Court should proceed to do an act which would be nugatory, and which the law

says shall not be done till it is ascertained whether there is cause of objection, or not. That the constant usage has been so, is unquestionable; and, on a late case, to be found in the State Trials, I am confident it will be found, that, on the objection being made, the words of the officer appeared to be, that the challenge shall be as the juror comes to the book to be sworn. There was a case in which a juror came, and the book was handed to him, an objection not happening to be made at the time, and it was decided by the Court, that the party was too late to make the objection, for the objection is to be made at the time the party comes to the book to be sworn; and, if there was an objection to him it should be stated before the book is presented to him, for the Court is not to do an act which is nugatory. Agreeing clearly with the rest of the Court on principle, and considering the question as determined, I am of opinion, that the challenge must be made previously to the book being handed to the juror, and before he is sworn.

Mr. *Attorney General*.—My lord, lest it should be supposed that the prisoner had been prejudiced by any misconception on this point, I agree that it shall be entered that the last challenge was for the crown.

Lord Chief Baron *Richards*.—It must be very satisfactory, that the attorney-general has consented, for the benefit of the prisoner, that that challenge shall be entered as made by the crown.

Mr. Justice *Dallas*.—I have just been looking at Laver's case, in which it is laid down, that the prisoner's counsel must declare whether they mean to challenge, before the king's counsel take their objection.*

Mr. *Gurney*.—And that form of proclamation to the prisoner, to which Mr. Justice *Dallas* alluded, was settled by the twelve judges, with lord Holt at the head.

Robert Skipton, farmer, challenged by the prisoner.

John Stretton, farmer, challenged by the prisoner.

Henry Yates, farmer, sworn.

Robert Steeple, farmer, challenged by the prisoner.

John Skewington, farmer, challenged by the prisoner.

John Oakden, farmer, sworn.

Isaac Statham, the younger, farmer, challenged by the prisoner.

Paul Caulton, farmer, challenged by the prisoner.

John Adsett, farmer, fined 10*l*.†

William Beresford gentleman, challenged by the prisoner.

Solomon Frost, farmer, challenged by the prisoner.

John Adsett, farmer, now appeared, sworn.

* 16 How. St. Tr. 135.

† See five lines lower down.

THE JURY.

William Wilkes,	Thomas Gilman,
John Stretton,	Thomas Sherwin,
John Tempest,	Thomas Gilman,
Samuel Wilder,	Henry Yates,
Thomas Archer,	John Oakden,
Robert Eaton,	John Adsett.

The jury were charged with the prisoner in the usual form.

Lord Chief Baron *Richards*.—I wish to have it understood, and therefore I repeat to-day the caution which I gave yesterday, that no part of the proceedings of this day or of any day during any of the trials—this trial which is now depending or any future trials—shall be made public till all is concluded: and if this notice (which I now give for the second time) be not attended to, the Court must use the authority it has, to bring the delinquent to punishment: I trust there will be no occasion for any further notice.

Mr. *Attorney General*.—My lord, before Mr. Balguy opens the indictment, it is our request on both sides that the witnesses may be sent out of Court.

Mr. Justice *Abbott*.—That of course does not apply to mere witnesses of form.

Mr. *Attorney General*.—No, my lord, we do not wish that on either side.

Mr. *Gurney*.—It cannot apply to the high sheriff, of course he must be in court?

Mr. *Cross*.—Certainly to no one officially employed.

Mr. Serjeant *Faughan*.—Nor to the magistrates I suppose?

Mr. *Cross*.—That is distinctly understood; we do not object to any magistrate remaining in court.

Lord Chief Baron *Richards*.—It is to be understood that such witnesses as are to be examined, except those who are specially excepted, are to withdraw from the Court, and not to return into the Court until they are called for.

The Indictment was opened by Mr. J. Balguy.

Mr. *Attorney General*.—Gentlemen of the Jury;—We are assembled in this place upon a most solemn and important occasion; and you twelve gentlemen are placed in that box to perform one of the most sacred functions that men, in the state of society in which, thank God, we live in this country, can be called upon to perform, namely, to decide, by your verdict, upon the guilt or innocence of one of your fellow-subjects charged with the highest crime that any man can commit against society.—There are other crimes, to which human nature at times is prone, of very great and enormous magnitude, but striking generally only at the

safety and the happiness of individuals; though they are crimes against the law and against the peace of the king, who is the representative of the state, yet, in the scale of civil crimes, they fall far below high treason, which is, in fact, committed against all and each of the community. The safety, the happiness, and the comfort of us all, are involved in the support of the government established by the law and constitution of the country under which we all of us have lived, and under which, I hope, our posterity will flourish to the latest generations.

My duty upon this occasion consists in stating to you, with as much accuracy as I am able, the law, as it affects the particular case in question, and the facts by which, I conceive, I shall prove the guilt of the prisoner. I have no other duty to perform; and God forbid that I, or any man standing in my situation, should be called upon to perform any other:—I have no object but to present to your minds and understandings, intelligibly and fairly, the law and the facts, upon both of which combined you are hereafter to found your verdict. One great comfort in addressing you before the learned judges who preside upon this occasion, is, that if unintentionally (for unintentionally I am sure it will be) I should happen to mis-state the law, any mistakes of mine will be corrected by them; for recollect always, that it is not from the counsel for the crown, or for the prisoner, that juries are to take the law; it is from that constitutional tribunal, the judges of the land, that they are to receive instruction in points of law, and not from those who stand in the situation of advocates.

If in that which I have to state to you it should happen that I am mistaken in any of the facts, I am sure the mis-statement will be unintentional; but, thank God! there I shall be corrected by the testimony of the witnesses whom I shall call; for you are to take the facts as deposed to you upon the oaths of witnesses, and not from the statement of counsel. In commenting upon such facts as I shall state, I shall make, though not many, such observations as occur to my mind. Upon the inferences which I draw from any facts which may be positively proved, it will be for you, when you come to consider the whole circumstances of this case, to exercise your judgment; attending also to any observations upon those facts which may fall from the learned judges who will address you.

I feel great comfort in addressing such a tribunal as this; because, though I have not the honour of knowing any one of you, being a perfect stranger in this county, yet, when I see twelve English freeholders assembled in a court of justice to exercise such a function as that you are about to perform, I entertain the most perfect confidence that they will discharge their duty with integrity and with impartiality, unbiassed and uninfluenced by any sinister motives; recollecting always—if it were possible that twelve men, placed in your situation could

want any other impulse than the dictates of your own upright minds, to influence your conduct)—that you are acting under the sacred and solemn obligation of an oath, by which you have attested your Maker, that your verdict shall accord with the evidence.

It is necessary that I should state to you what I conceive to be the law applicable to this indictment: I shall do so very shortly.—The indictment has, upon the face of it, three charges of high treason. The first is, that the prisoner, together with other persons, some of whom are named in the indictment, and others stated to have been unknown to the grand jury, levied war against his majesty; and, in that levying war, did certain acts that are stated upon the face of that count of the indictment. Arming themselves, and marching through the country in hostile array, are there described. That count of the indictment is framed upon a statute passed in the reign of king Edward 3rd, which for many years was the only statute upon which high treason was founded in this country. I state that now, because the other two charges are framed upon a subsequent statute, which, though it does not, in my opinion, make much difference in the law of treason in the result, puts certain acts and certain conspiracies upon the footing of substantive treasons, which, previous to the passing of that act, were rather evidences, or overt acts, of other species of treason.

The *first* count, as I have stated, charges the prisoner, together with others, with the crime of high treason, in levying war against his majesty.

The *second* count, which is founded upon a statute passed in the thirty-sixth year of the present king, charges the prisoner with compassing and imagining to depose the king—(I will explain to you, in a moment, the legal signification of the word compass)—and it also does that which it is necessary in the law of treason to do—it states the overt, or open acts, which were done by the prisoner to carry into effect the intention which he had conceived in his mind. As the means to effect his compassing and imagination, it charges him with consulting to devise plans and means—that is, consulting with others to devise plans and means—to effect his purpose; with assembling, meeting, conspiring, consulting and agreeing among themselves, to stir up, raise, make and levy insurrection, rebellion and war, against the king, and to subvert and destroy the constitution and government; with providing arms and ammunition, in order to effect that purpose; with parading through villages—that is, passing with others through villages—and seizing arms, in order to effect that purpose; and it charges, as the last open act, the act of levying war, in order to effect the compassing and imagination he had entertained of deposing the king.

The *third* count imputes to him the crime of conspiring to levy war against the king, in order to compel him to change his measures;

and it states the same open acts (which, in the language of the law are called overt acts) as are stated in the second count of the indictment.

The first count, as I have told you, is founded upon a statute of the 25th Edward 3rd, which describes several species of treason. That statute says—"When a man doth compass or imagine the death of our lord the king, or of our lady his queen," then it sets forth other treasons, "or if a man do levy war against our lord the king, in his realm," then he shall be guilty of high treason. Now, the word compass as used here, as well as in the other statutes, has not that meaning which it bears in common and ordinary language; if, for example, a man says, I have compassed my purpose, he means, I have done that which I intended; but the word compassing, in the language of the law, is synonymous with contriving, or intending. To compass the death of the king, does not mean to effect the purpose of putting the king to death, but to intend to do it by certain means, some of which are afterwards manifested by overt acts.

The first count charges the levying war against the king, which consists in any number of persons combining themselves together by hostile open force, and in hostile array, with or without arms, for the purpose of overturning or destroying the constitution of the country. That I have no hesitation in stating to be levying war; but the law goes much further than that, because though men may not have the absolute and determined object (which I undertake to make out in this particular case) of destroying the constitution and government of the country, yet if they assemble together, and endeavour and intend by force and arms to effect a general purpose, and not some particular object, in which they themselves are particularly and specifically concerned, that is, and always has been holden to be, a levying of war within the statute. I will only trouble you with a very short passage from one of the most learned writers upon the subject, a learned judge, who had the benefit not only of the writings of those who had gone before him, but also of his own great experience, I mean Mr. Justice Foster, a man as friendly to the liberties of his country, and to all the legal and legitimate rights of his fellow-subjects as any man by whom this country or the bench ever was adorned. Mr. Justice Foster states, that insurrections for general purposes—insurrections by force of arms to throw down all inclosures, insurrections by force of arms to open all prisons, "all risings in order to effect these innovations of a public and general concern by an armed force, are in construction of law high treason, within the clause of levying war; for," says he, "though they may not be levelled at the person of the king, they are against his royal majesty, and they have a direct tendency to dissolve all the bonds of society, and to destroy all property and government too, by numbers and armed force. Insurrections like-

wise for redressing national grievances, or for the expulsion of foreigners in general, or indeed of any single nation living here under the protection of the king, or for the reformation of real or imaginary evils of a public nature, and in which the insurgents have no special interest, risings to effect these ends by force and numbers, are by construction of law within the clause of levying war; for they are levelled at the king's crown, and royal dignity. I will venture to say, that no man except an encourager of rebellion, ever disputed the opinion of Mr. Justice Foster—that insurrections, under such circumstances, are levying war against the king in his realm. Persons are sometimes confounded on the term levying war, by supposing it must be carried on by foreign force. In one sense it implies foreign force; but the only war a subject can carry on against his own government is in truth insurrection and rebellion, which in the subjects of a state is not less war, than the hostile invasion by a foreign state.

It is not necessary, in order to constitute a levying war, that the parties who have commenced it, should acquire success so much as to put the whole kingdom as it were in a state of actual flagrant war and contest, such as this country has in former unhappy times been subject to; if they assemble themselves together with the treasonable purpose of overturning the government, or even of overawing the parliament, or of making, by armed force, the king change his measures, that is as much a levying war as if they had a hundred thousand men in the field of battle; though in one case they might have more chance of success, and in the other there would be the greatest probability that, in the end, their schemes would be frustrated and defeated. You will therefore consider what was the object of this prisoner and his confederates, when they were guilty of those acts which I am about to detail to you? How are you to discover the objects of men, unless indeed you can read their inmost thoughts, when they are guilty of certain acts, but by considering the declarations they themselves make previous to, and at the time of those acts, and the nature of the acts themselves. When I make that observation, I do not mean to say that if I should prove that certain men did certain acts, I am therefore entitled to call upon you to pronounce with what intention they did those acts. That is not enough, I admit; but their intention may be fairly inferred from the acts themselves, as well as made out by the declarations that accompanied the acts, at the time their schemes were going on.

In the present case the persons who have been guilty of this offence, had laid, as will be manifested beyond all doubt, a plan for the purpose of overturning or endeavouring to overturn the government and constitution of the country. What these wild men (for so I cannot help calling them) intended to establish in lieu of that which they were about to destroy,

it is impossible for you or me to conceive; no matter what they intended to establish, or whether they intended to establish any thing, the question is this, did they mean to endeavour to pull down and to subvert that which exists? and whether they intended that the consequence of that should be, that which necessarily must be the consequence, anarchy, confusion, and misery, to the community; or whether they had some defined or immediate project and scheme of government of their own, either by national convention or otherwise, no matter, the simple question here is, did they intend by insurrection and force to subvert and to overturn the government and constitution of the country? because if they did, no man alive can deny, whilst the law of England remains such as it has been for centuries, and such as I hope it will always remain, that if that was their object they were guilty of palpable treason against this clause of the statute, in levying war against the king.

The other two counts in the indictment resolve themselves into the same thing; they only go upon this, that imagining and intending to do or conspiring together to do that which these men ultimately did, namely levying war, would be a treason even if war had not been levied by them.

I will now detail to you as shortly as I can the nature of the proceedings of these conspirators, particularly as they affect the present prisoner Brandreth. But let me here make one observation to you, which is, that he is the only person at present upon trial; but it will be necessary in the course of the evidence to prove that which many other persons did, many of whom are named in this indictment, and that which many other persons did, as parties concerned and combining with the prisoner who are not named in the indictment, because those acts done by the prisoner all consist in conspiring, in acting in concert with other persons, for it would be almost, nay quite impossible, for any one man to levy war by himself.

A number of persons in this county, and in other parts (as I think will be shown to you by evidence, coming from the mouth of the present prisoner himself and others in his company), had conceived a scheme of endeavouring to overturn the government of the country, by resorting to hostile armed force for the purpose of compelling something to be done which they thought it was an object to attain. Many meetings had been holden amongst different persons; the prisoner at the bar was certainly not an attendant at many of those meetings; I shall introduce him to you in that part of the transaction which, at present, appears to me to be the most prominent as against him; but from that which will be proved against him in that part of the transaction where I particularly begin to affect him, it will be most palpable and obvious that he was acquainted with and a party to the previous proceedings of those with whom he ultimately acted; and that his conduct in the course of this transaction, re-

sulted from the purpose of effectuating the object by force of arms which had been previously consulted about, whether together with him or not I know not, and advised and determined upon previous to the time when I affect the prisoner immediately and personally.

You observe upon the face of this indictment that the prisoner is called the Nottingham Captain, that is a designation which either he took to himself, or which those who were concerned with him gave him at the time of the transaction. A conspiracy had been formed to make a rising in this county, and not only to have an insurrection here, but it was stated by these parties themselves that it was to be in concert with certain other parts and places in this kingdom; in short, to be a general insurrection as far as they intended, and as far as they could effectuate it throughout the kingdom to concentrate their forces at some particular and given place, in order then to march on for the purpose of having a general and open insurrection and rebellion.

Part of this hostile force, for so I call it, was to be assembled in your county, other parts were to be assembled in other places, and particularly at the town of Nottingham, which is at no great distance from the part of your county where these transactions particularly took place, and with respect to those persons who were to act in this county and in this neighbourhood, Nottingham Forest, I think it is called, was the place to which the Derbyshire conspirators were to resort for the purpose of effecting a junction in Nottingham Forest, and of taking the town of Nottingham.

As it should seem, from the declarations of these persons themselves, meetings had taken place between the conspirators in Nottingham and the conspirators in Derbyshire; the plan had been settled, that at two or three different villages or towns in Derbyshire, which I will mention to you presently, those Derbyshire men were to assemble themselves together on the night of the 9th of June; and, when they had assembled themselves from the different villages, they were to march from the ultimate spot where all the Derbyshire men were to collect themselves together, in order to proceed to Nottingham, there to join those whom they stated or thought to be ready at Nottingham, in order to effectuate their treasonable purpose. During the course of that night they were to assemble from their different places of habitation, so as to reach Nottingham by the Tuesday morning.

The prisoner at the bar, Brandreth, was to be, and was the leader, and commander of the Derbyshire insurgents, for the purpose of conducting them to Nottingham. At what immediate period he came over from Nottingham for this purpose I do not know; but here he was in Derbyshire most certainly on Sunday the 8th of June, I believe he had been at one meeting of the conspirators and another resort of the conspirators a day or two before; but on Sunday the 8th of June he was

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at Pentridge a village or town in this county, which some of you may probably know, whither he came for the express purpose not only of taking the lead of the insurgents when they should actually rise, but also of receiving the insurgents in the course of that day, of stating and explaining the plan of operations, of pointing out to them the course they were to pursue, and of designating to them the object they had in view, namely, a revolution and subverting the government, and wiping every thing off, or every thing clean, to use one of their own phrases—in fact, subverting the government and constitution of the country through the medium of hostile force and open rebellion.

There is at Pentridge a public house, called the White Horse, kept by a person of the name of Weightman, a widow I believe, and mother of one of the persons concerned in the conspiracy with Brandreth and extremely active as a leader of the insurgents in the transaction I am about to state. To that White Horse, on the 8th of June, Brandreth resorted: he sat, as I will prove to you beyond all doubt, to receive the conspirators and insurgents, with his maps and his plans before him; he detailed to them the scheme of operations, he pointed out to them,—not in one moment, but from time to time as they had access to him, and came into the room where he sat—not merely the course of their proceedings from Pentridge to their rendezvous to get to Nottingham with his hostile force, but he was pointing out to them, by a map and plan of the kingdom at large, the different towns and places at which he expected there would be simultaneous risings on that same Monday night, and from which other conspirators and rebels were to come for the purpose of joining them, when they should reach Nottingham to make the grand army, which was to be there formed. Now, gentlemen, whether this man and his co-conspirators had conceived that they should have assistance and force beyond that on which they or any mischievous men could reasonably calculate, which I most conscientiously believe they had misconceived, I care not: I care not whether there was a word of truth in that statement by Brandreth, that the people of Sheffield would rise and come southward to Nottingham to join them: I care not whether there was a word of truth in his statement that the people of Wakefield and Leeds were to come southward to join them in Nottingham; it matters not to you or to me, when a man is stirring up his fellow-citizens to war, whether he tells them truth if he states certain matters as facts to them, and what is the object, and thereby induces them to join him in his nefarious purposes; his guilt is as great, I was almost going to say greater, than if there were truth in the statement: for, he is exciting evil spirits to acts of rebellion, and his guilt is as great whether he has the means he states, or whether the statement of such means be false. What matters it if a man gets an army of rebels in the field—what matters it, as far as relates to

his guilt, whether he has another army to join him from the east, from the west, from the north, or from the south? his guilt is precisely the same if he has broken out into open acts of rebellion and insurrection, and induced others, by his false representations, to join him in such nefarious purpose.

I shall prove to you that this man presided and explained his objects and his plans to person after person coming into that public house; for, though previously to bursting out into riot this had been planning and smothering in the dark, yet, when once it has been resolved upon that the explosion shall take place, when men approach that period, for the purpose of getting proselytes they talk more publicly when they think that they are ripe for the explosion. On Sunday the 8th of June this man, who had come over from Nottingham to Derby to lead the Derby men;—who did lead them, not to Nottingham, for they were dispersed before they arrived there, but towards it;—this man sat as the leader and director, as the generalissimo of this hostile force, making arrangements with his maps and his plans as though he were the regular general of an army, who was projecting an hostile invasion of a kingdom with which he was at war. There he sat, explaining to them the plan, and the object; and on the next night, the 9th, he performed it exactly as he had stated it on the 8th.

The plan was this; there were several villages in the neighbourhood of Pentridge; Southwingfield, a village of the name of Alfreton, Swanwick, Crich, and Heanor; these are all villages each in the neighbourhood of the other, and the plan was, that at a certain hour on the Monday night the different persons who were united in this conspiracy from these places were to rendezvous together at a certain place. Brandreth the present prisoner, and another man of the name of George Weightman, were both at Pentridge: from what country Brandreth came I know not, but, having come to Pentridge, he staid at the White Horse. Brandreth and Weightman were to go from Pentridge over to Southwingfield, and they were to be at a place called Hunt's Barn. At Hunt's Barn they expected to find some of the Wingfield conspirators ready for the purpose of joining them. To Hunt's Barn George Weightman, and Brandreth, and another man went, and at Hunt's Barn they found the Wingfield men with arms, with pikes, with bullets, with those sorts of weapons which men, engaged in these nefarious purposes, collect together; and (as I believe it will appear to you) with some of those pikes prepared by some of the persons accused, for the express purpose. At Hunt's Barn there were not only the persons who were armed with these things, but there was a supply of pikes in order that, as they were joined by persons who were engaged in their conspiracy and formed part of their forces, they might there be furnished with arms.

From Hunt's Barn it was intended that when

they had got the Southwingfield people together they were to proceed from Southwingfield towards a place called Topham's Close; and they expected that some of the Pentridge people would come over and join them, either at Hunt's Barn, or in their progress towards Topham's Close. They proceeded, with Brandreth at their head, towards Topham's Close, but in making that progress they effected another object they had in view; their object was, of course, to collect as many persons together as they could, as part of their forces, and to get as great a supply of arms as they could, for the purpose of arming all who should act with them, and they proceeded in their progress from house to house wherever they knew there was a gun in the possession of the owner of that house; there did they make what I will call their attack, for the purpose of compelling the owner of that gun, who had it for his own defence, and not for the purpose of raising it against the government of the country, to deliver it. One of the rights of Englishmen, as settled by the glorious constitution established in 1688, and which I hope these men will never break down, was, that an Englishman might have arms for his defence; little did those who established that right as against arbitrary power, imagine that they were putting into the hands of such men as Brandreth and his conspirators an opportunity of taking from the honest English farmer the gun he had for his defence, and converting it into an instrument for the destruction of his fellow subjects, and of the government and constitution of their country. They took the arms, but that was not enough; you and every man knows what additional terror arises from multitude and numbers, and that those who meet large numbers together in hostile force have no means of distinguishing between the willing and the unwilling when they see them, and therefore the object of this man and his fellow conspirators was, not only to take the arms from those who would have scorned to use them—many of them at least—for such purposes, but to press themselves into the service, and to compel them to join; if a man did not choose to go himself, if he had a son, the son was to be pressed into the service; if he had no son, but a servant, this servant was to be pressed into the service; the object was a man and a gun from every house into which we go, the man not to be left in possession of his own gun, but a gun for some one who was a perfectly willing attendant, and a pike to be put into the hands of an impressed man, if unwilling to join. In the way to Topham's Close, they called at the house of Mr. Hardwick. I will not take up your lordship's time in detailing the transactions which took place at every house, for you must hear them from the witnesses, but when they arrived at Topham's Close, they found themselves not joined as they expected by some of the men who were to come from Pentridge; the persons at this place were commanded and headed

particularly by Brandreth and a person of the name of George Weightman; they halted at Topham's Close; having been at Mr. Hardwick's, and not being joined by the Pentridge men, they thought it right to despatch some portion of their party for the purpose of going towards Pentridge to see whether any of the Pentridge men were coming that way, and to meet them. George Weightman, therefore and a certain number of these persons proceeded by a place called Coburn Quarry, and so by the Wire-mill, bringing them to a place between Topham's Close and the town of Pentridge; Brandreth and a great party remained there for some time afterwards, and marched on till they came to the house of Mr. Elijah Hall, who is a farmer in that neighbourhood; at his house they made the same sort of attack that they had made at Mr. Hardwick's; they demanded his gun; they insisted upon having it; they took it in fact by force; and having done that, they then insisted upon having one of his sons; the son of Mr. Hall, young Mr. Elijah Hall, who was extremely reluctant to accompany them; he refused, in fact, but was obliged, and I do not wonder that he accompanied them so far as he did; he left them as soon as he could, and returned to his own home. I am glad, for the purposes of justice, that Mr. Elijah Hall had not the means of escaping sooner than he had, for he was obliged to proceed with them a considerable way, and I have, through his means, as to part of their proceedings, as honest and as unquestionable evidence as can be presented in a court of justice.

Mr. Elijah Hall was forced to accompany them; he did accompany them, and in the course of that progress which was made by Brandreth and his company, they went, after he had been obliged to join them, next, to the house of a Mr. Walker. It will be convenient to attend a little to that which passed at Mr. Walker's for the purpose of particularly marking the prisoner at the bar; they demanded Mr. Walker's gun; Mr. Walker was as reluctant to give them his gun, as Mr. Elijah Hall and Mr. Hardwick had been, but the gun was taken from him, and he was obliged to submit; some of the party knew that Mr. Walker was also in possession of a pistol, and as they were going away they returned and demanded his pistol, he denied that he had a pistol, but the Nottingham Captain and the leader insisted upon having this pistol; Mr. Walker, who set some store by it, remonstrated, and said you have my gun; but his pistol they would have, and it was taken by the Nottingham Captain, and stuck in his belt; he had a white apron twisted round and tied round his body, which answered the same purpose as a leather belt would have done, and this he stuck in his belt. From Mr. Walker's they marched on, and came next, I think, to the House of a Mr. Bestwick (what passed there I will not immediately detail) and to the House of a Mr. Samuel Hunt, who is not

on his trial now, but is one of the persons charged in conspiracy with them. At Mr. Hunt's house, it will not be material in the course of the present trial, though it may become material hereafter, to detail what passed; because, whenever he shall be upon his trial, it will be very important as far as relates to him; but as far as relates to the present prisoner, it is important only as showing that they were going on with the plan of collecting men and arms, either by force, or by receiving them if voluntarily given.

From Mr. Hunt's they came to the house of a person of the name of Hepworth, at that house a most unfortunate event certainly took place from the hand of the prisoner at the bar; but when I make that observation, I desire on the other hand, to put you upon your guard in this trial against any prejudice arising from that circumstance as making out a case of treason. I think I am stating this case as fairly as I can, when I desire you not to find this man guilty of High Treason merely because I shall be under the painful necessity of showing you that in the progress of the transaction he was guilty of murder. I am one of those, and I solemnly protest it, who have that regard for the law and for the distinctions of law in this country, that I am particularly anxious that you should try this man for treason, in the same unbiassed way as if it did not appear in the course of the trial that he had been guilty of murder; except thus far, that if he was guilty of treason it shows to what dreadful extremes that crime, or the attempt to commit it, will bring men, who in order to perpetrate one crime frequently fall, as this man did, into the commission of others, in point of moral guilt equally atrocious; though in civil guilt a distinction is made in considering treason more heinous than murder.

Gentlemen, upon their demanding entrance and requiring arms, they were refused admittance. Mrs. Hepworth, with that degree of courage not always belonging to females, refused them admittance; when they found they could not gain admittance, Brandreth proposed going round to the kitchen window; entrance was still refused; at last the servants were called, a servant of Mrs. Hepworth was sitting down drawing on his half-boots, Brandreth broke the window, the most ferocious oaths accompanying what passed, he fired into the kitchen where this man was and shot him in the shoulder, and the unfortunate man immediately died: they got from Mrs. Hepworth these guns and these arms. Now, that this was done for the purpose of collecting men and arms will be most palpably and obviously proved, because this man after he had committed this deliberate act, when he found other persons to whose houses they came, who were unwilling to join with him, who remonstrated, who refused, who resisted, and manfully too, overpowered as they were by numbers, held up the act, the ferocious act, that he had committed at Mrs. Hepworth's, as *terrorism*

to the others—"I have shot one man already, and I will shoot you if you will not join us." This, therefore, was no sudden ebullition of passion provoked by quarrel, for after he had committed the act he gloried in it, using it as one of the arguments to compel persons to join them at subsequent times.

Having done this at Mrs. Hepworth's, they marched on and came next to the House of a Mr. Fletcher, where pretty much the same scene passed as at Mrs. Hepworth's (I mean short of death); from that they went to the house of Mr. Storer, then they were joined by Weightman's party who had gone to the wire-mill, for the purpose of picking up the Pentridge men; they then proceeded to the village of Pentridge where they attacked several houses and took arms, and then one party of them went one way out of Pentridge towards the Butterley Iron-works, and the other the other way. It was a grand object, if they could have effected it, to have got the men of the Butterley Iron-works to join them, for if they could have succeeded in the plan of taking Nottingham, as they called it, of establishing themselves in hostile force, the possession of such works as the Butterley Iron-works belonging to Messrs. Jessop was most desirable, as it would have furnished them with the means of making arms, pikes, and other weapons, at those works; they went to the gates of the Iron-works, there they found a gentleman of the name of Goodwin, whose people were very faithful and steady to him—he remonstrated with them, and talked to them on the impropriety of their measures; they did not think fit to make any attack on the Butterley Iron-works, but away they marched on; when they quitted the Butterley Iron-works, the one party having gone round the one way and the other another, they came to a place called Greenwich, which was still in the progress towards Nottingham, and there the two parties united again: before they went to the Butterley Iron-works, some of them not finding themselves met by so many persons as they expected (for they expected to have received communications from Nottingham and other places) began to doubt whether every thing was so ripe for the effectuating their project as Brandreth and others of their advisers had told them; upon which they said it would be better to send George Weightman towards Nottingham for the purpose of seeing whether the Nottingham people were coming towards Pentridge, or whether they were in Nottingham forest, and in fact, how things were going on in Nottingham. George Weightman and another person took a horse out of the stable of a Mr. William Booth who lives there, and George Weightman set off on this horse for Nottingham. The main body proceeded, with Brandreth at their head, from Greenwich to Codnor; before they got to Codnor they were met by other persons, some of them from Swanwick, they came then to Ripley, and thence to Codnor; having collected the per-

sons from Pentridge, from Wingfield, from Codnor, from Swanwick, and from Ripley, Brandreth formed them; he had formed them before, but it was necessary to form them again as others came in; Brandreth assuming to be the leader, and some other persons, not now on their trials, acting as inferior officers by keeping up the stragglers, by being in the rear to prevent people escaping, and so on; for many of those persons who had been forced to join would have been extremely glad to have gone home, and you will find that when one or two men were endeavouring to get away, Brandreth, as well as others, immediately addressed themselves to them, pushed them back into the ranks, and told them that if they attempted to escape they would certainly shoot them. They went to the house of Mr. Raynor, at Langley Mill. I should state to you, by the way, that when they were at Codnor, where there are three public-houses, they went in different parties to those public-houses, the Glass-house Inn, the New Inn, and the French Horn; at one of these houses they had considerable refreshment, and Brandreth called for the bill. The landlord brought him the bill, (no matter the amount—one pound, and something more) and expected to be paid. Brandreth said—"You will not be paid now—you will be paid as soon as we have effected our purpose: we are going on for the purpose of Revolution." I merely state that for the purpose of showing that his declaration was—"Here we are, assembling from place to place—and here we are armed, and marching for the purpose of producing insurrection and rebellion."

They then proceeded to Langley-mill. At Langley Mill, George Weightman, who had proposed to go on Mr. William Booth's horse, to see how they were going on there, returned on this horse; when George Weightman advanced, Brandreth and he had a private conversation; what passed between those two, of course, I cannot tell you. Whether it was agreed between them that George Weightman should make the representation which he did make, I cannot tell, which induced them to march on: but undoubtedly it was not a true representation. Weightman rode up to the party, said all was going on well at Nottingham—that the soldiers would not stir from their barracks to act against them—that Nottingham, in fact, was taken—and that they must make haste to Nottingham. In consequence of this, the party did march on; but there were many of them who began to suspect, by not seeing so many join them as they expected, that the time was not come, if ever it should come, to give success to such a scheme as this, and they began to fall off. Many exertions were made to keep them together, but still their numbers began to dwindle. The remainder, however, proceeded towards Eastwood, which is in the road to Nottingham. When they got to Eastwood, a report was made that the military or the

yeomanry were coming, and then the whole body began to disperse.

While these proceedings were going on (for, as you may suppose, this line of march must have taken a considerable time, which it did—till the Tuesday morning, between 9 and 10 o'clock, allowing for the time they stopped to take their refreshment); notice had been given by some persons to the magistrates in the neighbourhood of Nottingham, and between Pentridge and Nottingham, that this party was advancing. At Nottingham also (for I shall prove that circumstance) considerable commotion had been observed to be taking place. There were in Nottingham forest parties of men assembling together in a way which gave great cause for suspicion; and, no doubt, they were assembled for the purpose of being joined by these persons from Pentridge and Derby. The magistrates took the alarm, and went out. News was brought to these insurgents: they found that in all probability they should be taken in the very act of marching towards Nottingham, and they began to disperse; but it was late before that determination to disperse was adopted by all of them; for a gentleman, of the name of Rolleston, rode out to reconnoitre, and he saw upon the road a number of persons together, with a man attempting to form them; but, upon the yeomanry and the magistrates coming up, they dispersed on all sides. When the magistrates and soldiers came up to this place, they found the ground covered with guns and pikes, and the various arms, obviously leaving the marks of a dispersed army, in consequence of their not meeting with the numbers they had been taught by Brandreth, and Weightman, and others to expect. What became of Brandreth at that time I cannot tell; it was some time before he was taken up; but of his identity—of his being the Nottingham Captain—of his being the man who led them the whole line of march—of his being the person who presided on the 8th of June, at the White-horse at Pentridge, when the plan was laid down, and detailed to all those who came there, and the object of that plan was so detailed, there will not be the slightest possibility of doubt. I say there will not be the slightest possibility of doubt, for many of the witnesses have no doubt of the identity of his person. When I say that, do not expect that the witnesses will state that he was exactly in the same situation and appearance that he is now; certainly not, because at that time he had not that length of beard which he has preserved down to the present moment, obstinately refusing, I believe, to suffer himself to be shaved. If he supposes that the change of his appearance will prevent those persons from knowing him who had this opportunity of seeing him, I can tell him, that I believe he is extremely mistaken: his appearance then will be described to you, and his features are such that the witnesses will have no doubt about it: they will state his being a high and swarthy man, with very black

whiskers; but not with that length of beard. He was also dressed differently; for he had a dark top coat—meaning a great-coat, with pantaloons, and the white apron, by way of belt, tied round him; and I believe all the witnesses who had any conversation with him, have no more doubt of his being the man, than I have of any learned friend round the table being the person I have always known and taken him for; therefore, whatever may be his object in having his appearance altered by difference of dress, and length of beard, that will not prevent the witnesses speaking to his identity.

I fear I have detained you too long by detailing these circumstances; but if I prove the facts of his thus presiding, of his thus declaring the objects, of his thus acting as the leader of a banditti (for I can call them by no other name, considering their advance and their acts from the night of the 9th of June, to the Tuesday morning) what is that but levying war against the state and the government, and, therefore, against the king? The purpose was to subvert the state and the constitution; the means were armed hostile force, those arms obtained in the way I have stated to you: if there be any thing but that which can constitute levying war by a subject against his sovereign, I should like to hear it stated in a court of justice; for it is not necessary in order to constitute the levying war that battles should be fought, the distinction between the *bellum levatum* and *bellum percussum* is this; *bellum levatum*, or levying war, is, though battle may not have been waged; when conflict has actually taken place, it is then *bellum percussum*. It is the assembling with a hostile force for the purpose of subverting the constitution of the country, or of effecting, by hostile force, any purposes of a general nature, and not merely directed against the property of private individuals.

I have endeavoured to perform as fairly as I can, the task which has devolved upon me. I have stated the law as I understand it, and I have stated the facts as I believe they will be proved by the witnesses: what answer is to be given by my learned friends on the other side, I do not know; but, unless they can alter the facts, or prove to you that the man at the bar is not the man of whom I have been speaking, it appears to me actually impossible that you can give any other verdict, according to the law and the evidence, than GUILTY.

I have but one word more to say. I am always rejoiced when any man, who stands to answer for his life at the bar of a Court of justice, has all the means which the law can afford him of making his defence. Pursuant to the rules of law, I am sure he has all the means before the tribunal who preside, I am sure he has all the means before the jury, who are sitting to try him; and I am sure, as far as learning and ingenuity can avail him in the person of his counsel, he has all the means an Englishman can have for his defence by the assistance of advocates who are an honor to the bar at which they practise.

EVIDENCE FOR THE CROWN.

*Anthony Martin sworn.—Examined by
Mr. Solicitor General.*

I believe you are in the service of Messrs. Outram, Jessop, and Co. at Butterley?—Yes.

They are iron-founders?—They are.

How far is Butterley from Pentridge?—About a mile.

Do you remember going to Pentridge on Sunday the 8th of June last?—Yes.

Did you go with any one?—Yes, with John Cope.

Is he also in the service of Outram, Jessop, and Company?—Yes.

What time of the day was it that you went?—Between nine and ten o'clock in the morning.

What was the occasion of your going to Pentridge?—He asked me to go and look at his potatoes; then he said he had a little business at Pentridge, and asked me to take a walk with him.

Where did you go to at Pentridge?—We went into Weightman's croft.

What Weightman is that?—At the public house, just below the public-house.

You staid there a little time?—Yes.

What public-house are you speaking of?—The White Horse.

Is that kept by Mrs. Weightman?—Yes.

Having staid in this croft a little time, where did you go then?—A little girl came out of the public-house and asked us to go into the public-house.

You and Cope?—She asked Cope, not me.

Did you then go into the house?—Yes.

What room of the house?—We went into the house part first, and they asked us to walk into the parlour.

Did you go into the parlour?—Yes.

Did you find any persons there?—Yes.

How many?—I cannot exactly say how many there were then.

Were there many?—Yes, there were a good many at first, and more came afterwards.

What were they about when you went into the room?—Talking about this revolution.

You say there were many persons in the room when you went in; who were those persons, or any of them?—There was one they called the captain; I did not know what his name was.

You do not know his name?—They called him Brandreth.

Is that the prisoner at the bar?—Yes, that is the prisoner, I am sure.

Were his dress and appearance then the same as they are now?—No.

In what respect were they different?—He had got a pair of grey trousers on, and a brownish coat.

What sort of a coat?—A great coat.

How was his person?—He was shaved and decent then.

Do you remember the names of any of the

other persons who were there when you first went in?—Yes.

Mention some of them?—George Weightman, Ormond Booth.

What others?—Joseph Weightman; there was another Joseph Weightman.

Two Joseph Weightmans?—Yes.

Any others?—Thomas Weightman.

Any others that you recollect?—Those were in when we first went in; a quantity more came in.

Do you know a person of the name of William Turner?—Yes.

Was he there?—Yes.

When you first came in, or afterwards?—He came in afterwards.

How long after you first went in?—I cannot take upon myself to say how long.

When you first went in, you say the conversation was about the revolution; do you recollect who spoke?—That gentleman.

Brandreth?—Yes.

What did he say?—He had got a map in his hand, pointing out points where they were to assemble to, I suppose.

What did he say?—He did not say any thing in particular; he said there would be no good to be done except a complete overthrow of the government.

You say he had a map in his hand pointing out places?—Yes; there was canvas at the back of it, and crosses upon it, so as to find out places.

He said no good was to be done, except by the overturning of the government?—Yes.

Recollect what more he said?—He did not say any more; but the people came in, and they kept asking questions as they came in: some knew him, and some did not.

What questions did they ask him?—About the Revolution.

Do you know a man of the name of Shirley Asbury?—Yes.

Was he one of those persons who came in?—Yes; he came in a little time after me.

Where was Brandreth in the room?—He sat in the centre of the room, near a table.

You say, as persons came in, questions were asked of him?—Yes.

What sort of questions?—Talking about the present overturn, and the state of the country, and what proceedings they must go about in this business.

To whom were those questions principally addressed?—There was Ludlam and others.

Who answered the questions generally?—They were all answered by them one amongst the other.

You say they were talking of what proceedings were to be taken in the business; what proceedings were stated?—They stated that there must be an overturn of the government, that nothing could be done unless that was done.

What was stated?—That was stated, I suppose.

Do not say what you suppose, but what was

stated?—It was settled that they should attend on Monday night, as soon as it was dusk.

Where were they to assemble?—The Pentridge people were to meet at Pentridge, and the Wingfield people near to a stone quarry.

How far is Wingfield from Pentridge?—I should think about two miles.

Was any thing said about what way they were to go?—Yes; they were to go to Nottingham, to Nottingham Forest.

What was to be done at the Forest?—They were all to assemble together there, to meet a large party there, and then to take the town.

Was any time mentioned at which they were to meet at the Forest?—They were to be there at two o'clock in the morning.

That would be the Tuesday morning?—Yes.

Was any thing said where those people were to come from who were to meet at Nottingham Forest?—Yes; all the country was to rise all at one time; ten o'clock at night was the general time, but Pentridge and Wingfield were to rise as soon as it was dusk.

You say all the country were to rise; were any places mentioned?—Sheffield and Manchester, and a good many places that I cannot recollect.

Who mentioned Sheffield and Manchester?—Brandreth mentioned all the places.

You say William Turner came in soon after you were there?—Yes.

Did he say any thing upon the subject of this?—Yes; he began asking about their guns and pikes, and where they were.

What answer was given him?—He wanted to know where the estimate was; they said they had got none.

What estimate?—The estimate of the guns and the pikes.

Was it William Turner who asked that?—Yes, it was.

What did he say when he asked the question?—They answered there was none, then he said their parish was forwarder in the business than any other.

What parish was his?—Wingfield.

Did he say how they were forwarder?—Yes; he said they had got an estimate of every gun, and every pistol, and every sword that the parish had: he said he wanted to know the reason that the others had not made out an estimate as well as him; he seemed to think that they ought, and he wished to know where the guns and pistols were. They said they had none. He wanted to know where the guns were at Butterley; that they had forty pikes of their own to spare, and that they lay in a stone quarry.

Who said that?—Turner.

What more was said about arms?—They were talking about plans of fetching them, and how they must fetch them.

How were they to get them?—They were to go and demand them, and if they would not deliver them they must take them.

Who stated that?—Ludlam, and Turner, and Barker, they were all talking.

Which Turner?—The short one.

You said William Turner?—Yes.

That is, the Wingfield man?—Yes.

How long were these conversations and deliberations going on? how long were you there?—I was there from ten o'clock till between three and four in the afternoon. I left them there.

During that time did many persons come in?—Yes, many that I did not know.

Was this the subject of conversation during the whole time you were there?—Yes.

Had you known Brandreth before?—No, I had not.

Did he state, or was it stated in his presence, from whence he came?—No.

What did they call him?—They called him captain, that was all.

Was he the person principally applied to by the questions which were asked?—Yes, he was.

You said George Weightman was there?—Yes.

Do you recollect his saying any thing?—I cannot recollect his saying any thing that day.

How many persons were there present in the course of that morning?—I should think there were as many as forty from the beginning to the end.

Do you know persons of the name of Moore?—Yes.

Was any person of that name there?—Yes.

What was his name, and where does he live?—Robert Moore, he lives at Ripley.

Do you know Mac Kesswick?—Yes.

Was he there?—Yes, he came in, I did not know him before he came in there; I learned that his name was Mac Kesswick.

How far is Ripley from Pentridge?—About a mile and a half.

Do you know a man of the name of John Bacon?—Yes.

Was he there?—No, I did not see him. Yes, there was John Bacon there; it was Thomas I did not see there.

Is John Bacon a Pentridge man?—Yes.

Do you remember in the course of the morning Brandreth saying any thing more than you have told us, as to what was going on?—I do not remember all that he said.

Do you remember any persons reciting any verses?—Yes, Brandreth did.

Do you recollect what the purport of them was?—Yes, "Every person his skill must try."

Mr. Cross.—We are not to learn the purport of the verses.

Mr. Solicitor General.—He is giving us the words.

"Every person his skill must try
He must turn out and not deny."

Do you remember any more?—Yes, "No bloody soldiers." I cannot recollect the next.

Do you remember any other line?—Not just now.

Begin again, and then perhaps you will be able to repeat?

"Every one his skill must try
He must turn out and not deny.
No bloody soldiers"—

I cannot recollect any more just now.

You say two Joseph Weightmans were there?—Yes.

Did they remain there the whole of the time?—No, one of the Weightmans went to Nottingham.

How came he to go to Nottingham?—He was to go to Nottingham to see how the Nottingham people went on I suppose.

Was that said?—Yes, it was said, and he set off; money was gathered for that purpose.

From whom was the money collected?—I cannot say particularly.

The persons collected in the room?—Yes.

What time of the day was that?—It was before dinner, about eleven o'clock.

Which of the Weightmans was it?—Joseph.

Which of the Josephs?—Joseph at the bottom of the town; the elderly man.

For what purpose was he sent to Nottingham?—To see whether the people there would be ready to meet them at the proper time, and he was to return and let them know.

How far is Nottingham from Pentridge?—Fourteen miles.

Did he take any letter?—Yes.

From whom?—Brandreth wrote it.

Do you remember Mac Kesswick saying any thing?—Yes.

What did he say?—On going into the room, he looked round the room, and said he thought there were too many there for that business.

What answer was given?—He asked Brandreth how he did, and Brandreth did not know him; so he told him he came with him a little along the road: there was no more said, but he went out after that.

Did Brandreth recollect him when he said he had come with him along the road?—Yes.

You say Mac Kesswick remarked, there were too many in the room for that business; was anything said upon that?—No, nothing.

In the course of this conversation, do you remember William Turner saying anything more than you have told us?—Yes.

Tell us what he said?—They were talking about drawing the badger.

What did they say about drawing the badger?—They were talking about laying some straw in the yard, and setting fire to it.

What yard?—I did not hear; I was out of the room some time.

Was any thing explained about what they meant by drawing the badger?—Yes, they said that he would run out, and then they would shoot him.

When was that to be done?—In their own parish, Wingfield, on the next night; they said they had got some little vermin to kill in their own parish, and they must kill it before they left it.

Was Brandreth in the room all the while you were there?—Yes.

Did he hear all that passed?—Yes.

Did he speak to most of the persons who came in?—Yes.

Who called him the captain?—George Weightman, and some others.

To carry you back to the expression you just used, was it stated who the badger was? or what the badger was?—Not while I was in the room.

Anthony Martin cross-examined by *Mr. Cross*.

You say you were there from ten in the morning to two or three in the afternoon?—Yes.

What were you doing there all the time?—I was getting a pint or two of ale, and hearing the discourse.

They made no secret of this discourse to you?—No, they spoke it openly: they set the people at defiance: they said they did not mind who heard them.

You were in that company for four or five hours not partaking at all of the conversation of these parties? a perfect stranger to their designs?—Yes; I did not know of their meeting, or anything at all about it when I went; I was asked to go by a person who did know.

You had nothing at all to do with what they were about?—I had nothing at all to do, but to tell them to mind that there were constables in the room, myself and Shirley Asbury, and they threatened to put us up the chimney.

You told them to mind, there were constables in the room, and they threatened to put you up the chimney?—Yes.

Were you one of those constables yourself?—Yes.

Having heard all this, and talking to them in this way, did it remind you that you were a constable?—They knew that I was a constable.

Nobody called you a spy, or anything of that sort?—No.

They made no objection to your being in their company?—No; they were in the house before they called me in.

They called in the constable?—Yes; whether the woman knew I was a constable or not, I do not know.

But they called in the constable to hear their debates and deliberations, did they?—Yes.

Did you attempt to exercise your authority?—I told them to mind what they said.

And to do what they pleased?—They did what they pleased, and said what they pleased.

You admonished them to take care what they said?—Yes.

Was that before you had heard much of what you have related to-day?—Yes; it was in about a quarter or half an hour after I went in that I told them that.

When you had been there about half an hour, you thought it was time to let them know you were a constable?—Yes.

There were two of you, two constables?—Yes.

There were not always as many as forty people in the room?—No; they kept coming in and going out.

Sometimes not above half a dozen?—Yes.

Sometimes more?—Yes.

Sometimes less?—There were not less than half a dozen.

Can you, considering how much fluctuation took place in the company in the course of four or five hours, take upon yourself to say who was present when each particular expression was used?—Each particular expression?

About going to Nottingham; can you say who were present when it was proposed to send Weightman to Nottingham?—There were me and Shirley Asbury, and George Weightman, and the Captain and others.

That you remember perfectly?—Yes, there were more there.

It was the prisoner who repeated the verses which you have tried to repeat without success?—Yes; and it was he who delivered out the papers; he wrote them himself.

Have you got your paper?—I got a paper that was wrote there.

Have you brought it here?—I have not got one; Shirley Asbury had one, and John Cope had one.

What were they saying when you were so good as to caution them of your character of a constable?—They were talking of the present revolution, and the like of that.

Who replied to you when you gave them that caution?—Weightman.

What did he say?—He said they would soon cram such fellows as those up the chimney.

Which Weightman was that?—George.

They actually suffered you to remain in their company, and to hear their deliberations for three or four hours afterwards?—Yes.

Did it not occur to you it would have been a very good thing to have set off to a magistrate immediately on their saying that?—Yes, it would; but they threatened us so very hard, I durst not.

Lord Chief Baron *Richards*.—Which of them did?—All of them; they were talking of shooting any person that should oppose them; they talked about shooting every one that said any thing about them; that they would either make them go, or shoot them.

Mr. *Cross*.—Are we to understand you were afraid to quit their company?—I was not afraid just at the present time, for the man I went with had something to do with them, and I stopped with him and had a pint or two of ale.

Were you sober?—Yes; I went away quite sober.

You were not alarmed at all?—Yes, I was alarmed.

How soon after had you the courage to go to a magistrate to make this communication?—I did not go to a magistrate.

Never at all?—No.

How did they find you out to make a witness of you?—Because they knew I was there that Sunday.

Who knew?—Our master; the man I was with told him I was there.

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You were afraid to inform a magistrate?—Yes.

But you did not care informing every body else?—I did not know but I might suffer by informing a magistrate or any body else, I thought I might risk my own life: I did not know what they were going to do.

You did not know what they were going to do?—Not exactly; I heard them talk what they were going to do.

You thought this was all foolish talk, did not you?—Yes, I did.

Had the men been a good deal out of employment before that time in your neighbourhood?—No, I do not know that any who worked round us were out of employment.

I do not talk of the Iron-works but the stocking makers?—I do not know how that was, I really cannot tell that any of them were out of employment.

How that was you do not know?—No, I do not.

How many of them were drunk do you think at this time?—I do not know that any one was drunk.

You do not know whether any of them had been drinking there all night?—There was that gentleman there all night, whether he had been drinking I cannot tell.

They had no arms with them?—No.

Did you not think they were joking when they talked about stuffing you up the chimney?—I did not know whether they were joking or not.

Antony Martin re-examined by Mr. *Solicitor General*.

How long had you been a constable at that time? when were you made a constable?—A few days before,

A special constable?—Yes.

Why were you made a special constable?—I do not know.

Shirley Asbury, sworn.—Examined by Mr. *Sergeant Vaughan*.

I believe you reside at Greenwich?—Yes.

In what parish is that?—The parish of Ripley, I believe.

What are you by employment?—I am in the employment of Mr. *Jessop*.

At the *Butterley* works?—Yes.

Were you in that employment on the 8th of June last?—Yes.

Mr. *Denman*.—You were out of court? you did not hear the last witness examined?—No.

Mr. *Sergeant Vaughan*.—Tell me whether on the morning of the 8th of June you happened to go to the *White-Horse* at *Pentridge*, Mrs. *Weightman's*?—Yes.

At what time did you go there?—About twelve o'clock.

Who attended you?—*Anthony Martin*, *John Cope*, *George Anthony*, and some others.

I do not ask whom you found there, but

whom you went in company with to the house?
—John Elsdon.

When you went into the house whom did you find there? did you go into the parlour or the bar?—We went first into the kitchen.

And from thence into the parlour?—Yes.

How came you to go into the parlour?—Mrs. Weightman went in and told them there were two men from Butterley in the kitchen.

Did you hear what answer was made to Mrs. Weightman when she told them that?—They told her to let them come in.

In consequence of that did you and Elsdon go into the parlour?—Yes.

When you went into the parlour, how many do you think were in the room?—About twenty.

Did you know any of them by name?—I knew those that I worked with.

Who were there that you knew?—John Cope, Anthony Martin, a man that they called William Turner.

Any body else that you knew?—Turner did not work with me.

Were there any Ripley men there?—Yes, John Moore and Robert Moore.

Any body else? any Pentridge men that you knew?—Ormond Booth.

Do you know any of the Weightmans?—Yes; George Weightman.

Was there any other Weightman there?—His youngest brother.

What was his name?—I do not recollect his name; there were three of them all together.

Brothers?—Yes.

Do you remember any body else?—Mac Kesswick was there also.

Was there any body else that you have known or seen since?—Not that I recollect, except Brandreth.

He was there?—Yes.

He was there?—Yes, he was; I am sure he was.

Where did he sit, and what was he doing?—He sat as we went in at the door, with his back towards the door.

Had he any thing before him?—He had a map before him.

Was it open or shut?—He was pointing out the places where they were to go to? where they were to meet.

Where who were to meet?—The party that he was going with.

What party was this?—The party he was with.

What led you to know any thing about a party? what was the conversation about?—I did not know at that time what the party was.

Did you hear any thing said about what was to be done?—Yes.

Did you hear Brandreth say any thing?—Yes.

Mention some of the things that he said?—There was some poetry that he repeated.

Can you remember any of the poetry?—Yes.

Give us the poetry?—

“Every man his skill must try,

“He must turn out, and not deny:

“No bloody soldier must he dread,

“He must turn out and fight for bread.

“The time is come, you plainly see,

“The government oppos’d must be.”

Was any thing said by Brandreth, or any persons in his presence, as to what was to be done?—Yes; they talked about there would be no good done till the time was, they had overthrown the government.

What else was said about the government?—That they had no doubt they should succeed in what they were going to do.

Was there any talk about any neighbouring places or villages?—Yes; they talked that every village, and every part about there, was to kill their own vermin.

Was any explanation given of what was meant by those vermin? any names mentioned of any persons?—No, I did not hear any names mentioned then.

Did you in the course of your being there?—Yes.

What did you hear about the vermin?—The first place they were to go to was Wingfield? they were to take a bundle of straw, and set it on fire before the door.

Before whose door?—Mr. Halton’s

Did they mention his name?—Yes.

Who is Mr. Halton?—Colonel Halton.

A magistrate of this county?—Yes.

What was to be done when they had set this straw on fire before his door?—That he would come out then as soon as the straw was set on fire; and, as soon as he came out, they would shoot him.

What was to be done then?—Then they were to go round, and Sheffield and Chesterfield were to meet them at Butterley.

To go round where?—I did not hear where; but that they were to go round to Butterley, and Chesterfield and Sheffield were to meet them there.

Was any thing to be done at Butterley?—They were to kill Mr. Jessop and Mr. Goodwin.

Who is he? is he a manager of Mr. Jessop’s?—Yes; and Mr. Wragg, he was to be put to death.

Who is Mr. Wragg?—He is in the works too.

What was to be done then, when Goodwin, Wragg, and Jessop were killed?—They were then to take possession of the place, of the Butterley works.

What was to be done when they had got possession of the place?—I do not know; they did not mention that.

What did they make at the Butterley works?—They had a steam engine, and made their own iron.

What further was said?—Turner produced a paper after that.

Which Turner?—William Turner.

Was that put into any body's hands?—Yes; I do not remember his name.

Had Brandreth any think to do with that paper?—I do not remember.

Was any thing stated in the presence of Brandreth?—Yes; it was stated how many guns every one had.

Every one in the parish, or where?—In the parish.

What parish?—Pentridge.

What was said when they were talking about the guns every man had in the parish?—William Turner seemed to think that the Wingfield men were the best men.

Why were they the best men?—Because they had got more guns than Ripley had.

Did he give any other reason for their being the best men?—He said they had a parcel of pikes, to the number of about forty, in a stone quarry.

Did he mention what stone quarry?—No.

Did he mention for what purpose those pikes were in that stone quarry?—To protect them.

To protect them?—To protect themselves, and slay others that were against them.

Was any thing said as to what was to be done the next evening?—There was an agreement made that all were to meet at ten o'clock the next night.

Where were they to meet?—At Wingfield, I believe.

What were they to meet at Wingfield for, the next night?—They were going to Nottingham.

Was that stated?—Yes.

Who said they were to go to Nottingham?—Brandreth.

What was to be done at Nottingham?—When they got to Nottingham there would be plenty of rum, and an hundred guineas when they got there.

What were they going to Nottingham for?—They were to go and take the place wholly to themselves.

Was any body to assist them?—Yes; it was said Nottingham was to join them when they got there.

When they had taken Nottingham, what was to be done next?—They said it would be like a journey of pleasure; they were to go down the river.

Where were they to go down the river?—I do not know; but that when they got to Nottingham every man would have a hundred guineas, and plenty of rum, and it would be nothing but a journey of pleasure.

You say George Weightman was there and two of his brothers?—Yes.

What did Joseph do?—I did not hear that said.

Was any body sent to Nottingham?—George Weightman.

Was it George or Joseph?—The elder.

What was he to go to Nottingham for?—To see how they were going on.

Who was to bear the expence of his going there?—There was money gathered in the room.

Do you know whether he did go or not?—I cannot say.

Did Brandreth remain in the room the whole time you were there?—Yes.

Did you hear him say any thing?—Yes; he wanted a barrel of gunpowder produced, that he might learn them how to make cartridges.

Did he say whether there was any barrel of gunpowder any where?—There was one.

What barrel of gunpowder were they talking of?—I do not know; but he said he wanted it to learn them how to make cartridges.

Did he say whom it belonged to, or where it was?—No.

Was there anything else besides gunpowder talked of?—No.

Any talk about churches?—Yes.

What was said about churches?—They said there would be plenty of churches upon the road that they could get lead from.

Who said that?—Brandreth.

Did he say what was to be done with this lead?—I did not hear them say; but they said there would be no good till they had overthrown government.

Who said that?—Brandreth.

When you talk about a map being produced, how long were you there?—I was there from twelve o'clock, till about four.

Four hours?—Yes.

During that time was this business only talked of, or others?—There was no other business talked of but that.

Did Brandreth take an active part in the conversation?—They seemed to fly to him when they wanted anything, Turner did.

Who was the leader there?—Brandreth.

Did other persons come in and out while you were there?—Yes, there were a good many came in and out while I was there.

The company changed?—Yes.

How many might be there, at the most?—I did not see above twenty at a time.

Some went out, and others came in?—Yes.

You have spoken of a map, was that once produced and consulted, or often?—It was often produced and handed about the room.

For what purpose was it handed about the room?—There were places Brandreth had pricked out, where they were to go to.

Pricked out?—Yes, there were crosses on the back where they were to go to.

Did Brandreth show them to the company?—Yes.

Were the places talked of?—Yes.

Was any thing said about success, or want of success, or what would be the consequence?—Brandreth said there was no doubt they would succeed in what they were about to undertake.

Was any secret made of it in the company?—Brandreth and John Moore talked secretly together.

Was any thing said about government?—They said there would be no good till government was overturned.

Was any thing said about government

knowing or not knowing what they were doing?—No, I did not hear any thing of that kind.

Did any body say any thing about its being known, or not known, or what would be the consequence?—No, I did not hear that.

Shirley Asbury cross-examined by
Mr. Denman.

You were there about four hours?—Yes.

You went about twelve, and came away at four?—Yes.

Did you happen to be a constable at that time?—Yes.

How many was the greatest number that you think you ever saw in the room?—About twenty; I do not think there were ever more.

Martin was there when you went?—Yes.

Was he there when you came away?—No, he went before I went.

How long might he go before you?—About half an hour, perhaps.

How often did the prisoner leave the room while you were there?—He did not leave it above once or twice while I was there, and then not for above two or three minutes together.

He did leave the room twice?—Yes.

That was observed upon at the time, was it not?—Yes.

It was talked of when he was gone?—Yes.

Something was talked about it when he was absent?—Yes.

What was said about his leaving the room?—They inquired where he was.

Was it Martin who answered them?—I cannot exactly say how that was.

You say there was something said by Turner about forty pikes in a stone quarry; was that in the presence of the prisoner?—Yes.

You say that he said that they were to protect themselves, and slay others?—Yes.

Do you mean to swear those were the words he made use of?—Yes.

You being a constable, and coming away at four o'clock on the Sunday, and knowing of a rising to take place on the Monday; when did you go to the justice to inform him?—I did not go to any justice.

Did you go any where to give information?

—We told them that there were constables in the room, and they must mind what was said.

Who told them so?—Me and Martin.

What did they say?—They seemed to say they should put us up the chimney.

Did you go to any justice to give information after you left the room?—No, I was too bad frightened.

Frightened with the threat of being put up the chimney?—Yes; and they threatened that they should kill any one that mentioned any thing of the sort.

Who mentioned that?—Brandreth.

Why did not you mention that when you were asked whether he said any thing particular, I should think that was a little particular?—I did not just think of it then.

When did he say that they should kill any one who told?—That afternoon.

You, being a constable, did not give any information?—No.

Were you taken up?—No.

It was known you had been at this public house?—Yes, by those that were there. I did not know any thing of it till I went there.

It was a public room?—Yes.

Close adjoining the house place?—Yes.

It was a Sunday?—Yes.

It is a very populous place?—Yes, the place is populous.

It is on the road to Nottingham?—Yes.

It is on the road side?—Yes.

A very much frequented public house?—I was never there before.

It was open to every body who might come in?—They did not keep any thing a secret all they said.

It was George Weightman who was to go to Nottingham?—Yes.

Is he the young lad in the smock frock?—No, the elder.

The eldest of the three brothers?—Yes.

There is an elderly man of the name of Weightman besides, is there not?—It is George, the eldest brother.

Not the old man, but one of the sons?—The old man is dead.

Who is old Joseph?—I do not know.

During the time that Martin staid you had an opportunity of hearing all that he heard, had you not?—Yes.

And he all that you heard?—Yes.

The prisoner left the room twice, and there was some conversation about it?—Yes.

Shirley Asbury re-examined by Mr. Sergeant
Vaughan.

You say this place was populous: what number of people would the room contain?—Twenty there were in it.

Would the room contain any more?—No.

What led Brandreth to say he would kill any one who told?—He might say so because I was a stranger.

When were you made a constable?—About two days before that.

You said they did not make a secret of any thing; who said that?—Brandreth.

Why did he say they made no secret of it?

—Because he said every one would be obliged to go to join them.

Did he say when they would be obliged to go to join them?—Ten o'clock the next night, Monday night.

What had been said to frighten you?—They talked of killing persons.

And that had frightened you?—Yes.

Mr. Justice Dallas.—Did you hear any thing after Martin went away?—No, I did not hear any thing but what they said.

Martin heard all that you heard?—Yes.

And you heard all that he heard?—Yes.

James Shipman, sworn.—Examined by
Mr. *Clarke*.

Did you live at Southwingfield in June last?
—Yes.

Whom did you lodge with at that time?—
Joseph Booth.

Do you remember being at his door on the
Monday night the 9th of June?—Yes.

At what o'clock was it?—About half-past
eight.

Do you know the person who is standing
there? look at the prisoner?—Yes, that is the
man who came to me.

Who was with him or with you when you
saw him?—There was nobody along with me,
there were a few women about, but none in
my company; there were some with him.

Who were with him?—There was George
Weightman.

Did you say any thing to them?—I asked
them where they were going.

You knew Weightman I suppose?—Yes.

What did they say to you?—That man said,
“To an old barn up in the field.”

What else did he say?—He said there was
a meeting there of the towns of Wingfield,
Crich, Pentridge, and Alfreton.

What else did he say?—He said there were
arms and ammunition there, and more would
be taken on the way as they went to Not-
tingham.

What more did he say?—He said that a
band of music would meet them.

Where was that to meet them?—He did not
say.

Any thing else to meet them?—I asked him
what they were to do for provisions.

Were they to meet any other persons besides
the band of music?—Yes, that there were
thousands more to meet them on Nottingham
Forest.

You asked them something?—I asked them
what they were to do for provisions when so
many thousands were in want of them.

What did he say to that?—He said there
would be bread and beef for every man, and
half a pint of rum.

I think you said there were some women
standing about?—Yes, and I asked him what
the poor women and children were to do; he
said there would be a provisional government
formed and sent down into the country to re-
lieve the wives and children of those that were
gone away.

Did any of the women make any observa-
tion upon that?—There was an old woman
standing by and she tapped him on the
shoulder and said, “My lad we have got a
magistrate here.”

What said he to that?—He said you will
have a different one from him, one that will
allow you plenty.

Did you ask him any further questions?—
Yes.

Tell us what you asked him and what answer
he gave you; did you make any inquiries?—

Yes, he said the countries, England, Ireland,
and France, were to rise that night at ten
o'clock. I said if all those countries were to
rise the shipping would come in and beat the
whole.

Was there any thing said about persons
from the north?—Yes.

What was said about persons from the
north?—That the northern clouds, men from
the north, would come down and sweep all
before them, and every man that refused should
be shot upon the place.

After you and the prisoner had been talking
together, did George Weightman say any thing
to the prisoner?—He said, “Come, come
along,” he beckoned to the prisoner and said,
“I am now half an hour too late.”

Upon Weightman doing this did the prisoner
say any thing to you?—He said, “Come
along with us and you shall have a good gun.”

Where were you to have that gun?—I can-
not say.

Did you go with them, or part then?—We
parted.

Which way did they go?—They left me, and
went towards the barn.

Was that the same way that Weightman
went?—Yes.

James Shipman cross-examined by Mr. *Cross*.

Had you ever known the prisoner before?—
No, not before that present time; I never saw
him to the best of my knowledge.

He answered all the questions you put to
him?—Yes.

France, Ireland, and England, all were to
rise?—Yes.

And clouds and darkness, and all?—He did
not say any thing about darkness.

You did not think about going with them?—
No.

You thought the man must be drunk or mad
to think of such things?—He must be either
mad or drunk.

You saw no more of him after that?—Not
till the last month.

When he was in custody?—Yes.

Thomas Turner sworn.

Mr. *Denman*.—Have you been in court?—
No, I am just come in.

You have not been in before?—No, not two
minutes.

Thomas Turner examined by Mr. *Gurney*.

You, I believe, have been apprehended upon
this business?—Yes.

And have remained in custody ever since
you were so apprehended?—Yes.

Where had you lived before you were ap-
prehended?—At Southwingfield with my
father.

What is your business?—A frame-work
knitter.

Were you at Southwingfield on the evening
of Monday the 9th of June?—Yes.

Were you at your father's house?—Yes.

As about what time?—A little before nine o'clock I left my father's house.

Did you leave your father's house alone, or in company with any persons?—In company with Samuel Ludlam and John Walker.

To what place did you go?—I went to opposite the meeting-house.

Is that near colonel Halton's gates?—Close to them in a manner.

Whom did you see there?—We saw William Turner, George Weightman, and some strange man, about two or three hundred yards from the village.

Whom did you afterwards find the strange man to be?—I did not know who he was at first.

Whom did you afterwards find him to be?—The Nottingham Captain.

What was his name?—I never heard his name, nothing but Captain.

Is that the man who stands there?—Yes.

Had they any arms with them?—Yes.

What arms?—All three had guns.

Which way were they going?—They were standing still when I went to them.

After you went to them to what place did they and you go?—To a place called Hunt's Barn, in a field of colonel Halton's.

Before you went to Hunt's Barn did you see either of them do any thing with respect to his gun?—William Turner was loading his gun.

With what?—With a bullet.

Do you remember George Weightman saying any thing at that time?—I heard George Weightman say, when I went down, "Come, lads, I expect an engagement very soon."

Did he say where he expected that engagement?—With Jessop's men at Butterley furnace.

Did you ask either of them who the stranger was?—Yes.

Which of them did you ask?—I asked William Turner who he was.

Mr. Cross.—Was this man present then?—Yes.

Mr. Gurney.—What answer did Turner give you?—He said that is our captain from Nottingham.

You say you went with them to Hunt's Barn?—Yes.

When you got there did you find any persons assembled there?—Me and Samuel Ludlam stopped at the turnpike; we did not go to the barn.

How near was that?—About a hundred yards short of the barn.

Were there any persons assembled there?—Yes.

Can you at all say about how many?—There might be a score about the barn; there might be the value of a score that we could see from the turnpike.

Had they any weapons?—Yes, when they came down to the gate where we were.

They came down towards you, and then you saw that they had weapons?—Yes.

What kind of weapons?—Different weapons, spikes and guns.

What do you mean by spikes?—Sticks with things in them.

What I should call pikes?—Yes; pikes and guns, and one sword or two.

Did Brandreth and Turner and Weightman come down with those men from the barn?—Yes.

Did you hear Brandreth say to what place they were going?—No, I did not know that I heard them say.

Did you hear any of them say at that time to what place they were going?—George Weightman said we must go to a field of Mr. Topham's, and the Pentridge people would meet us there.

Was it at all said, when you were all collected together, where you were to go to?—I cannot recollect that it was.

Before you set off to Mr. Topham's field, what was done with you?—William Turner and the strange man formed us into ranks.

William Turner and the prisoner formed you into ranks?—Yes.

Had you any weapon given you?—No.

Had you any thing given you to carry?—I had a bag of bullets.

Who gave them to you?—I took them from George Bramley; I had rather carry them than carry a pike.

When you were so formed were any orders given you?—Yes; the strange man ordered us to march.

The prisoner you mean?—Yes.

To what place?—The nearest way to this ground of Mr. Topham's.

Is this the sort of thing that you call a spike, or pike [shewing a pike to the witness]?—Yes.

Did you march?—Yes.

What was the first house to which you got?—James Hardwick's.

What was done there?—The biggest part of the party went up to the house; I did not.

Did they take any thing from Mr. Hardwick's?—I did not see.

Did you hear them say whether they did?—No, I did not.

Whose house did they go to next?—Henry Tomlinson's.

Was any thing taken from Tomlinson's house?—I was not there; I stopped at Hardwick's a little while.

Did you afterwards proceed to Topham's close?—The nearest way to meet them at Topham's close.

Did any more persons join you at Topham's close?—Yes.

Who?—Isaac Ludlam the elder, Isaac Ludlam the younger, and William Ludlam.

Had they any thing in their hands?—Yes.

What?—Such pikes as those.

Did the Pentridge men meet you as you expected?—No.

Upon the Pentridge men not meeting you, what was agreed to be done?—For George

Weightman to go by the Wire-mill, and if he met them, to turn them to the Pentridge-lane end and to meet us there.

Did George Weightman and any others go that way?—Yes.

What became of the bag of bullets you had?—George Weightman took them along with him.

To whose house did you and the rest of the party then go?—To Elijah Hall's.

Who commanded you there?—I cannot say who commanded us there.

Who commanded you all the way you went?—Turner and the prisoner commanded us all the way we went.

When you got to Elijah Hall's, what was done?—When I got to Elijah Hall's, he was out of the door, and the door fastened on him.

Did the prisoner say any thing to him?—Yes; he was asking him for his gun.

Was Mr. Hall willing to give him his gun?—No.

Were they disputing any time about it?—Yes, they disputed some time about it; at last Elijah Hall asked some person inside to give it, and it was given him out of the window.

Who got the gun?—The captain took it.

The prisoner?—Yes.

Did the prisoner then say any thing else to him?—Yes; he said he understood he had more arms in the house, and he must have them.

Did he say how he would get them?—Elijah Hall said he had no more; that he had given him what he had.

What did the prisoner reply to that?—He said he knew he had more, and if he did not give them to him his door should be broken open.

At last was the door opened?—Yes, by some person on the inside.

Who went in?—Elijah Hall went in first, and the prisoner and me and several more.

Can you name any of the others who went in?—I cannot mention any of them that went into the house.

Did either of the Turners go in?—No; I do not remember that they did.

When the prisoner got in, what did he say or do?—The prisoner, when he got in, was going to go up stairs to fetch a gun, and Elijah Hall offered to stop him.

What did the prisoner say or do upon that?—He struck him with his fist first, and presented his gun to him, and said if he did not find his gun he would shoot him.

Upon that, did you say any thing to the prisoner?—I laid hold of the prisoner, and told the men not to use the man ill, I did not believe that he had any other arms.

Did the prisoner make any search for further arms?—Yes.

What means did he take for searching?—He took a candle and went up stairs.

Did he find any other?—No.

Did he take any thing else out of the house?—He brought Elijah Hall's son down with him.

What did he do with him?—He came along with us.

Did he come willingly or unwillingly?—Very unwillingly.

Was he in his bed before he was taken?—I believe he was in bed.

How was he made to come, you say he was unwilling?—The prisoner first said that Elijah Hall the elder must go.

And then afterwards he took the son instead?—Yes.

The son being very unwilling?—Yes.

Were either of the Turners with you at that house?—Both of them.

Which do you mean by both?—William Turner and Joseph Turner.

Is Joseph Turner the man you call Manchester Turner?—Yes.

Is there any thing remarkable about his face?—He has but one eye.

Were the three Ludlams still with you?—Yes.

Was Barker there?—Yes.

Swaine?—Yes.

Bramley?—Yes.

Do you remember Barker saying any thing to Mr. Hall?—Some little I remember him saying.

What do you remember his saying?—He said he had longed for that day to come for long, but it had come at last.

Where was Elijah Hall placed to with you?—We were not in rank then.

What house did you next go to?—Isaac Walker's I think next.

Were any arms taken from Isaac Walker's?—I saw a pistol taken.

Who had that pistol for the rest of the night?—The prisoner.

Where did he put it?—In a kind of an apron that he had round him.

Was the apron tucked in like a belt?—Yes.

What sort of a pistol was it?—A brass-barrelled pistol, I think.

Whose house did you go to next?—Henry Bestwick's.

What was done there?—I cannot say, I did not see the mischief done there.

Did you hear any mischief done there?—Yes, I heard a window broken.

Whose house next?—Samuel Hunt's.

What took place at Samuel Hunt's?—When I got into Samuel Hunt's, he was fetching bread and cheese out.

Some were in before you?—Oh, yes.

What did he say when he brought them out?—He told us to eat what bread and cheese we liked and he would dress and go along with us.

Lord Chief Baron *Richards*.—Who brought out the bread and cheese?

Mr. *Garney*.—Samuel Hunt, one of the persons indicted. What is Samuel Hunt?—He keeps a farm.

Did you eat the bread and cheese?—Yes.

Had you anything to drink?—Yes, some beer.

Did you then leave the house?—Yes.

Did Hunt and anybody go with you?—Yes, Samuel Hunt and his man, whose name I believe is Daniel Hunt, went with us.

Was there a candle in the room all the while you were at Hunt's?—Yes.

How long were you there?—Perhaps a quarter of an hour or twenty minutes.

When Samuel and Daniel Hunt went away with you had they any arms?—I cannot say that they had.

Did you see what weapons your party had more particularly?—Yes, they had pikes.

What had Manchester Turner?—He had a sword.

What had William Turner?—A gun.

What had Robert Turner?—A sword.

What had Isaac Ludlam, the elder?—A pike.

When you went from Hunt's house, whose house did you go to next?—To Mrs. Hepworth's.

Who first went to the door?—I cannot say who went first to the door: I heard the prisoner at the door.

Doing what?—Rapping at the door, and calling for the arms out.

Was the door opened?—No.

Upon that, what did the prisoner say?—The prisoner called for somebody to come and break the door open.

Upon his calling, did Samuel Hunt come?—Yes.

What did he do?—He took up a stone, appearing to have been a coping to a wall.

A large stone?—Yes, and flung it at the door a time or two.

Did that force the door open?—No.

Upon that did the prisoner go to another part?—He went from that door to a little window.

Was any window got open at last?—The window was broken out.

Was that the kitchen window?—Yes, a back window.

Did the prisoner say any thing to the persons within?—The prisoner was asking them to give the arms or to open the door.

Did the persons within do either?—No.

Upon that, what did the prisoner do?—Some person within refused him, and he immediately fired in at the window.

What did he fire?—I cannot say whether his gun or his pistol, I was not near enough to see.

Did that firing do any mischief?—Yes.

What?—I went up to the window, and saw a man within lying on the floor, as having fallen.

Who was that man?—I did not know till young Elijah Hall said it was Robert Walters.

Did you hear that?—Yes.

Who did he say it was?—Robert Walters.

Did you say any thing to Brandreth upon that?—Yes.

What did you say?—I told him he should not have shot that poor innocent man

What answer did he give?—He said it was his duty to do it, and he would do it; and if I said any more about it he would blow my brains out.

After that were any arms given out of the house?—Yes.

To what place did you next go?—To Pentridge Lane End.

Did you meet any party there?—Yes.

About how many?—I cannot tell how many exactly.

Was Joseph Weightman the younger among them?—Yes, Joseph; and James Taylor and Benjamin Taylor, that is all I knew.

Had any of them arms?—Yes, all of them I believe.

Arms of what kind?—Joseph and Benjamin Taylor had spikes, and James a gun.

Did your party, then, go to any places in Pentridge?—There was a party went down to Buckland Hollow.

Did you go with them?—No, I did not.

While that party were absent did you hear attacks made on any houses?—Yes, we heard a great disturbance; they were calling them all up at Pentridge Lane End: they were calling the men up to take the men out, and arms where they could find them.

When you were collected together again, did you go towards Pentridge town?—Yes.

Before you got there, do you remember the prisoner saying any thing about the party?—Yes, he fell us into ranks there.

Did he inquire for any particular description of persons?—Yes, he asked whether there were any military men among us, or men who understood discipline, that they must turn out to keep the men in order.

Upon the prisoner saying that, did any men turn out?—Yes.

Who?—One Charles Swaine.

Had he been in the militia?—Yes, I believe so.

What was then done when Swaine turned out?—They were all put into ranks.

By whom?—By the prisoner, William Turner, and Swaine.

How many deep?—Two.

Where were the men put who had the guns?—In the front.

Who were put in the rear?—Them that had spikes.

When you were formed, what was the word of command given?—To march.

Who gave it?—I cannot say which of the three it was.

Where did you march to?—To Pentridge.

When you got there were you joined by any more?—Yes.

Did Edward Turner join you there?—Yes.

Did Joseph James join you there?—Yes.

Were any other houses attacked?—Yes.

At Pentridge?—Yes.

Were any people taken from the houses, or any arms?—I did not see them.

Do you remember, among others, Mr. Booth's house being attacked, or going to Mr. Booth's?—Yes.

Was any thing of Mr. Booth's taken out?—
A poney was taken.

Out of his yard?—I do not remember where
it was taken from.

But a poney was taken?—Yes.

Did you afterwards go to Butterley Iron-
works?—Yes.

Who brought Booth's poney out of the yard?
—George Weightman had it when I saw him.

He had rejoined you at that time?—Yes.

Then you went to Butterley Iron-works?—
Yes.

Can you form any judgment about the size
of your party at that time?—There might be
threescore, perhaps, or more.

When you got to Butterley did any person
belonging to the manufactory come out to you?
—Yes.

Who was that?—Mr. Goodwin.

You told me you saw George Weightman
with Mr. Booth's poney, what use did he
make of that poney?—A man was put upon it.

After that did you see George Weightman
go with that poney any where?—I cannot say
that I saw him start to go with it. I saw him
return afterwards.

Did you learn, in the party going along, that
he was gone any where on that poney?—To
Nottingham.

And he was absent from you a good while?
—Yes.

You afterwards saw him return on the
poney?—Yes.

You have told me that when you got to
Butterley, Mr. Goodwin came out to you?—
Yes.

Did any thing pass between the people and
him?—Yes, he said something; I did not hear
what it was.

After Mr. Goodwin had said this, did any
person give you the word to march again?—
Yes, the prisoner.

Did you march away from thence?—Yes.

Where did you march to?—For Ripley
Town-end.

Did the prisoner order you to do any thing
there?—Yes, to halt, and then to give three
huzzas.

What was the object of those huzzas?—I do
not know.

Was that said?—I do not know.

Then to march, where to?—Then we
marched forward to Codnor.

When you got to Codnor what house did
you stop at?—At the Glass-house, I believe is
the sign.

A public house?—Yes.

What was done there?—The prisoner
knocked them up, and bade them bring some
ale.

Was ale given to your party?—Yes.

Did you all drink?—Yes.

Did you go in?—Yes.

While you were there do you remember any
who had left you rejoining?—Yes; Samuel
Hunt, Manchester Turner, and Edward Tur-
ner.

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Were there any other persons along with
them?—Yes; there were some others whom I
did not know.

Were any orders given to the landlord about
making out the bill?—Yes.

Who ordered him to make it out?—William
Turner and the prisoner.

What was the amount of the bill?—Eight
and twenty shillings I believe.

Did the prisoner say any thing to the land-
lord when he should be paid?—He did not
say any thing about the time of his being paid;
but that he need not be afraid of being paid;
he would see him paid.

Did they then march on?—Yes.

Do you remember any thing being done at
any farm-yard?—Yes; I remember a farm-
yard a little further.

What was done there?—I was not nigh.

Were any persons brought out of the barn?
—Yes, three.

What was done with them?—They were
taken along with us.

Did you march on towards Nottingham?—
Yes.

When you got to Langley Mill did you
meet any person?—George Weightman re-
turning.

On what?—On Mr. Booth's poney.

Mr. Justice Abbott.—Where was this?

Mr. Gurney.—At Langley Mill, which se-
parates the two counties. When Weightman
joined you, who went up to talk with him?—
The prisoner, and many surrounded him and
asked him how they were going on at Notting-
ham.

What answer did he give?—He said they
were going on very well, the town was taken,
and the soldiers would not come out of their
barracks; and we were to march forwards.

Did you march forwards?—Yes.

How far did you march with them?—I do
not know the place, it is a strange place.

Did you go as far as Eastwood?—Beyond
that.

How far beyond Eastwood?—Two or three
miles.

By that time had any of your party drawn
off?—Yes.

Did you then quit the party?—Yes, I do
not justly know the name of the place.

When you quitted them were they marching
towards Nottingham?—Yes, a few of them,
not many.

Was the prisoner one of them?—Yes, Wil-
liam Turner and the prisoner were with them.

Before you left the party had any of them
tried to get away? Do you remember any of
them trying to get away?—Yes.

On their trying to get away, did the prisoner
or William Turner say any thing to them?—
Henry Hole would turn.

Upon his trying to turn, what was said to
him?—The prisoner said if he did not turn
again he would stop him from going much
further.

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In what manner did he appear to attempt to stop him?—With his gun, he put it out at Henry Hole, and the prisoner presented his gun at him and stopped him.

Did he go back?—He turned again and went with us.

Did he leave you afterwards?—He did not leave us then; I do not know when he left us. Richard Bramley went and fetched him back.

Do you remember any body being wounded by accident before you left?—Yes, I heard there was a man wounded.

By a gun going off by accident?—Yes, I heard of that.

Thomas Turner cross-examined by Mr. Denman.

I do not recollect whether you said at what time you met these persons first. Have you mentioned any time?—I do not know that I have.

Do you know what time it was?—About nine o'clock.

Was it dark at that time?—No, I do not think it was quite.

Mr. Gurney.—Mr. Denman, will you forgive my asking one question? Had you a pike in the course of your walk?—I had, a part of my walk.

When you left, what did you do with it?—I hurled it away.

Did others do the same?—Yes, a good many; I saw a many hurled in some nettles by a tan-yard; on my return I was taken, and then I went and shewed a man where I saw the pikes.

You were taken by the cavalry?—Yes.

Mr. Denman.—How far is Booth's house from Langley Mill?—I cannot say, it might be three or four miles.

Was there time for his going to Nottingham and returning, betwixt the time of his leaving you and meeting you at Langley Mill?—Yes.

Then he came back and told the tale you have mentioned?—Yes.

Then the men began to drop off?—Yes.

The party had dwindled away to nothing long before they were opposed at all?—Yes.

What time in the morning was it that they were all scattered and gone back?—Nine or ten in the morning.

How far might this progress be in all?—Perhaps nine or ten miles.

How soon afterwards were you taken?—I was taken up that day.

Are those Turners any relations of yours?—Yes.

What relations?—They are uncles children.

Mr. Justice Dallas.—What is the length of these pikes?

Mr. Sergeant Vaughan.—About eight feet and a half.

Henry Tomlinson, sworn.—Examined by Mr. Sergeant Copley.

You are a farmer living at Southwingfield?—Yes.

Do you remember on Monday night the 9th of June, any person coming to you from Hardwick's house?—Yes.

About what time did he come?—About half-past nine or a quarter before ten.

How far is Hardwick's house from yours?—About a quarter of a mile.

Is it between your house and the town of Southwingfield?—Yes.

In consequence of information you received from him, what did you do?—I locked my house door, and went out with my wife into the yard.

How long did you stay in the yard before you observed any persons coming?—Ten minutes, or a quarter of an hour.

After that ten minutes, or a quarter of an hour, did any persons come to your house? A body of men came; they came to one end of the yard, and I stood at the other.

How many did there appear to be?—There appeared to me to be between thirty and forty.

Were they unarmed, or had they anything with them?—They were armed, some with spikes and some with guns.

By spikes, do you mean instruments of that description? (*pikes*.)—Yes.

When they came to your house what did they do?—They went up to the door and began to rattle it; I cried halloo, what did they want; they said they wanted me and my gun.

Look at the prisoner, was he among them?—I do not know him again; I did not know him that night, it was dark.

When they said they wanted you and your gun, what did you say?—I said they must have neither; I had a gun, but it was gone to Ashover to be mended.

Who said that?—It was a man they called the captain, the leader of the gang.

What was it he said?—That he wanted me and my gun.

The person who asked for you and your gun was that person whom they called the captain?—Yes.

Upon your saying that it was gone to Ashover to be mended, what did they say?—They said that if I did not open my door immediately they would break it; that they would search it.

Who said that?—The captain.

Upon his saying that he would search the house, what did you do?—As I was going up to the house door, I saw a man named William Turner, and I said to him, are you one, William? and he said yes; and I saw a man of the name of William Barker.

Did you say any thing to him?—Yes; I said are you one, William? and he also said yes.

After that conversation, what did you do?—I unlocked the door and went in, and the captain and another man followed me.

When you got into the house with these two persons following you, what did you do?—I brought the gun into the house, and the captain demanded it; I had left it at the top of the bed-tester.

The captain was in the house?—Yes; and another man.

Upon his demanding it, did you give it him?—Yes.

After you had delivered the gun to them, what did they do?—They took the gun out of doors, and I went and stood close to the door, but not out, and the captain came and said you must go and all.

You said something about their threatening you; what were the particular expressions they made use of?—That was when they insisted on my going, and I said I would not go; they said I must go, I had better go to-night than to stop till morning; there was a great gang coming from Sheffield, and a great cloud out of the north would sweep all before them.

Did you know which of them said that?—The captain.

After they had said this to you, what did you reply?—I told them I would not go that night; that if I must go, I would stay till the morning; and then the captain cocked his gun, and swore he would shoot me if I did not go.

Did he present the gun to you?—Yes he did; some cried "damn his eyes, smite his head off;" others cried "let him go;" and others said "never mind;" that was before the others said "shoot him."

Before the captain cocked his gun?—Yes, some of them cried out "damn him, smite his head off."

What did the captain say at the time he presented his gun? what else did he say in the course of that conversation before you went?—Nothing more than I recollect.

What did you do upon this?—I locked the door and went into the fold-yard, and there George Weightman stood. Oh, I will tell you what I said when he cocked the gun; I said "Nay, nay, I will not stand that; I will go a little way, but it shall not be far."

Did the captain or any other say where they were going to?—The captain said they were going to Nottingham, and that they must be there at half-past eight or nine o'clock. He said that it would not be necessary to go further than Nottingham, for London would be taken by the time they got there.

You say you went into the fold-yard and saw George Weightman?—Yes, I said are you one? and he said yes; and I said I think it a very hard thing to take me from this lonely place, and to leave my wife by herself; and Weightman said, it is, go a little way, and you shall turn again.

Did they give you anything to carry?—They gave me a spike like one of those on the table.

Did you say anything about carrying your gun?—Yes; I asked them to let me carry my own gun; they said I should not, I should have a spike, and upon that they gave me one of the spikes.

Who was it said you should not carry your own gun, do you remember?—It was the captain.

How far did you go with them?—I went, as near as I can guess, about three hundred yards.

Did you then get away from them?—George Weightman gave me a bit of a nudge, and told me to give him the spike and turn again.

Did you do so?—Yes.

Then you left them and got home?—Yes.

Henry Tomlinson cross-examined by *Mr. Cross*.

I think you say that you do not remember seeing this man?—No, I do not remember his person at all.

Sometimes one spoke to you and sometimes another spoke?—I spoke to William Turner, and asked him whether he was one, and he said yes.

Did not more of them speak to you than those you have named do you think?—No, not that I recollect. Some cried "damn his eyes, smite his head off," and so on.

The person whom you call the captain you cannot say was this man?—No, I cannot say that it was that man.

Elijah Hall, sen., sworn.—Examined by *Mr. Reader*.

Where do you live?—At Southwingfield Park.

What time did you go to bed on Monday night, the 9th of June last?—I did not go to bed at all that night.

What time did you get home from your mill?—About eleven o'clock.

What are you?—A farmer and a miller.

About how far is your house from your mill?—About a quarter of a mile.

You got home to your house at about eleven at night?—Yes.

How soon after you got home did you hear anything?—Not ten minutes after.

Had you fastened your doors?—The door was fastened.

And the windows?—And the windows too.

What first alarmed you?—The footsteps of two men, as I supposed, coming up to my door.

Did they say anything?—They asked me whether any men had been there that night for guns.

What answer did you make to them?—I told them there had.

What was your reason for that?—Because I was struck with a panic, and wished to get shut of them if I could.

Did they go away upon that?—They did; after they had asked me whether I had given them any, they asked me whether they had taken any away.

What was your answer to that?—My answer was "yes."

How soon after they went did any thing else happen?—Perhaps five minutes.

What happened then?—A number of armed men came into the yard.

Was that on the other side of the house?—On the same side.

How many do you think?—Perhaps between twenty and thirty.

How were they armed?—With guns and pikes, and one had a sword.

Did they say or do any thing?—Yes.

What was it?—I asked them what they were doing there at that time of night.

What was the answer?—The answer was they should not hurt me, but they wanted fire arms.

What did you say?—I told them I had no fire arms for them.

What passed then?—They were positive I had.

They said so?—Yes, and they demanded them, and said I had better deliver them up quietly to prevent the house from being fired, and to save my own life.

Where were you when this conversation passed?—I was in my yard.

Had you gone outside the door?—Yes.

Had you gone out after the other two men had retired?—Yes.

And you had this conversation with them outside in the yard?—Yes.

What passed then?—They said I had better open the door and produce the fire arms.

Was the door shut?—Yes, and fastened; some one of my family had fastened it after I went out.

Some of the people told you, you had better open the door?—They did; I told them it was not in my power to do it, being on the outside like themselves, and then they proceeded to force the door.

How did they proceed to force it?—With pikes.

Did they force it open?—After many attempts to force it, which did not force it, they cried out, "captain, how must it be?"

Did the captain give them any answer?—A gun was then given to them through the window by some person in my house.

Did you afterwards get into the house?—The door was opened from the inside after the captain had ordered his men to fire at it.

You said that they said to the captain, "captain, how must it be?" Then somebody put a gun out of your window into the yard. What answer did the captain make to that?—When they had got the gun they demanded me to go along with them.

What did they say to you?—They told me I must go along with them.

Who said that?—I do not recollect who that was.

What answer did you make to that?—I told them I should not go; some one of the party said, he has sons; the captain said if he has sons we will have them.

Was that the same person who had bid them fire, when they said, "captain, what shall we do now?—Yes.

When was it that he said "fire?" as I understood you, after the gun had been put out of the house, the captain said, "if they will not let us in, fire?"—Yes.

The same person who had answered the captain said he would have your son?—He did.

Before he went into the house was there any thing said about what their intentions were?—There was.

What was it?—That they wanted a bigger loaf, and the times altering.

Was there any thing said about what their object was, or where they were going?—Not till they got into the house.

How many of them do you think got into the house?—I think there might be a dozen, perhaps more.

Was the captain one?—He was.

There were about twelve in the house?—Yes; that or more.

Did you know any one in the house?—Yes.

Who were they?—Isaac Ludlam the elder, Isaac Ludlam the younger, William Ludlam, William Barker.

Any body else that you knew?—A person that they called Manchester Turner.

Was that the man with one eye?—It was.

Any other person?—Thomas Turner.

Any body else?—John Walker.

You have spoken of them, and the person who was called the captain; have you since seen that man the captain?—I have.

Who was the captain?—I did not know his name at the time.

What name was he called by when you afterwards saw him?—Jeremiah Brandreth.

Was he in custody as Jeremiah Brandreth?—He was.

Are you sure that the person you saw in custody as Jeremiah Brandreth was the person who that night answered to the title of captain?—I am quite positive.

What passed after you got into the house?—After we got into the house, the captain threatened that he would blow my brains out if I did not get my sons up.

What answer did you make to that?—I told them I should not.

What then?—The captain said, "damn your blood," and gave me two progs with the muzzle of his gun, two pushes.

Did you say or do any thing upon that?—I still resisted.

What did he do?—Presented his gun at me.

Upon your persisting in refusing, he presented his gun at you?—Yes; and said he would blow my brains out.

Still did you call your son or not?—I did not; I still said I should not.

What did he do?—He was lowering his gun to cock it; Thomas Turner said you shall not shoot, or do not shoot.

What then passed?—Several of them cried, we will fetch them out of bed ourselves; the captain then took a candle from some one of the family.

There were some of your family down stairs?—Yes.

Your sons were up stairs in bed?—Yes; and he lighted it at the fire, and proceeded up stairs, and several others went up with him.

Did you hear them say or do any thing up stairs?—We heard a great noise up stairs, and threatening them.

At last did they bring either of your sons down with them?—Yes, they did.

Which of them?—Elijah.

Was he dressed when he came down or not?—Part dressed.

Did they afterwards take him away?—They did.

And took from your house one gun, which was the only one you had?—I had another, but they did not find it.

Did they search your house for it?—They did.

Who did?—The captain.

How long was your son absent before he returned?—It might be two or three hours.

He returned again in the morning?—He did, before it was light.

Before they took your son away, did they say what they were going to do?—They did; I asked the captain where he was going.

What was his answer?—To Nottingham.

Did he say for what?—I asked him for what; he said they believed Nottingham was taken at that time, that there was a general rising throughout the country, and that it was their intention to wipe off the national debt and begin afresh.

Elijah Hall, jun. sworn.—Examined by Mr. Reader.

Were you disturbed in your bed at any time on the Monday night the 9th of June last?—Yes.

Whom did you sleep with?—My brother.

How many men came up into your room?—There were several men came up.

What did they do to you when they came up?—They commanded me to get out of my bed.

Did they compel you to get out of your bed?—They did.

And to go with them?—They did.

Were you unwilling to go?—I was.

Did you go by force?—They compelled me to go.

Did they put any thing into your hand?—They put a pike into my hand.

Where did you go to first?—We went to Mr. Walker's.

How far is that from your father's?—Two closes.

Did they get any thing there?—A gun and a pistol.

How many do you think there were of you?—I cannot say positively, there were a great number.

Who commanded you?—A man they called the Nottingham Captain.

Look at the prisoner, is that the man?—Yes, that is the man.

You went first to Walker's where did you go to next?—To Mr. Bestwick's.

Did you get any thing there?—We got a gun there.

At these places were the guns given you voluntarily or by force?—By force.

Where did you go next?—To Samuel Hunt's.

Did you get any thing there?—We got bread and cheese there.

Did any body go with you?—Hunt himself and his man Daniel Hunt.

Where did you go next?—To Mrs. Hepworth's.

Did any thing happen while you were at Mrs. Hepworth's?—Yes, there did.

Was there any gun let off there?—There was.

Did you see the gun let off?—Yes, I saw it.

In whose hand was it?—In the hand of the Nottingham Captain.

You mean the prisoner?—Yes.

Did you observe whether he had a pistol with him at that time or not?—I did not.

You distinctly saw a gun let off in his hand?—Yes.

Did any mischief arise from it?—Yes, there was a man shot.

Did you know that man?—Yes.

What was his name?—Robert Walters.

What was he?—Servant to Mrs. Hepworth.

Did you hear any thing said by him or to him upon this poor man being shot?—Yes, I did.

What was it?

Mr. Justice *Dallas*.—He has not stated what was the consequence of the shooting.

Mr. *Reader*.—Was the man killed?—He was.

Did you see him afterwards?—I saw him after he was shot, on the kitchen floor.

Did any body say any thing to the captain about it?—Yes.

Who did?—It was me, I asked him how he could think of shooting the man.

What was his answer?—He said he was not shot.

Did you say any thing to that?—I told him I was positive the man was shot.

Did he say any thing more?—No, he did not say any thing more about it at that time.

Did he say any thing about it afterwards?—I did not hear him.

Where did you go to from Mrs. Hepworth's?—We went from there to Pentridge-lane-end.

Did they get any arms or men at Pentridge-lane-end?—They got arms and men too.

Where did you go next?—To Pentridge.

Was any thing got there?—I did not see any thing.

Was any attempt made?—Yes, several attempts at different houses.

For men and arms?—Yes.

Whether they got any you cannot tell?—No.

Where did you go next?—I went home.

You escaped from thence?—Yes I did, and went home.

Did you hear any of them say, while you were with them, what their object was, and what they were going to do?—Yes, I did; I heard several of the mob say that they were going to blow down the Parliament House and to break the law.

Did you hear the Nottingham Captain say any thing?—Not him in particular.

Was he present when these things were said?—Yes, he was.

Did he act as commander during the whole time you were with them?—Yes, he did.

About how far did you go?—A little way into Pentridge town.

How did you escape at last from them?—I escaped down a yard while they were going into a house.

And you got home to your father's?—Yes.

Lord Chief Baron *Richards*.—Mr. Attorney-general, what prospect have you of finishing your case this evening.

Mr. Attorney General.—I do not think we shall be able to go through all our witnesses to-night, unless your lordships were to sit very late; I must be under the necessity of examining many more witnesses.

Lord Chief Baron *Richards*.—By sitting very late we shall not be doing a great deal of good; we may be doing a great deal of injury to the gentlemen of the jury who have had a long attendance. I think it will be safest and best that we should go no further than the next witness. We shall probably have a continuation of late hours for several days.

Isaac Walker sworn.—Examined by
Mr. *Reynolds*.

Are you a farmer at Southwingfield park in this county?—Yes.

On Monday the night of the 9th of June, you were disturbed?—Yes.

At what time?—About twenty minutes after eleven o'clock, it might be half an hour.

Had you and your family gone to bed?—Yes.

What was it that disturbed you?—The dog barking.

Did you see any persons there?—Yes.

How many did you see?—About forty.

Where were you when you saw them?—At my chamber window.

Where were they?—Coming up the yard.

Had they any thing with them?—Yes, pikes and guns.

Which way were they coming?—Up towards the door.

Did they demand any thing?—They demanded a gun and a brace of pistols.

Did they get any thing from you?—I told them I had a gun but not a pistol.

Did they get any thing from you?—They got a gun from me, and a brass-barrelled pistol.

Do you know the man to whom you gave the pistol?—No.

Look at that man, and tell me whether you know him?—No, I do, not; they called him the captain.

Did you give the pistol to the man they called the captain?—Yes.

Lord Chief Baron *Richards*.—Swear four bailiffs to attend upon the jury.

[The bailiffs were sworn, and the Court adjourned to to-morrow morning 8 o'clock.]

Friday, 17th October, 1817.

Mrs. *Mary Hepworth* sworn.—Examined by
Mr. *Richardson*.

I believe you are a widow?—Yes.

Do you occupy a farm in Southwingfield-park?—Yes.

What part of your family were at home on the 9th of June last at night?—One son, two daughters, two men servants, and myself.

Were your family disturbed at any time that night?—They were.

By what?—By a large number thundering at the door, demanding my guns and servants.

Do you mean men's voices making that demand?—Yes.

In consequence of that did you get up?—Yes.

And go down stairs?—Yes, I went down stairs, I called out, the door was not to be opened, for I could not part with the men and guns.

That you would not, or could not part with the men and guns?—That we could not.

Did you say that to the people outside, or to your family inside?—To the people outside.

They were thundering at the door you say?—Yes.

Did they afterwards attack any other part of the house?—The windows on both sides of the house.

Is there a kitchen window towards the yard?—Towards the back of the house.

Was that broken or attacked?—It was broken.

By whom?—I did not see the person.

Did there appear to you to be several persons?—There were several voices.

How was it broken?—The shutters were forced into the middle of the room.

By force on the outside?—Yes, the shutters were in the inside.

What became of the glass?—They broke the glass quite out.

Did it fall into the room, or outside?—It fell both ways.

At that time who was in the kitchen?—Myself, my son William Hepworth, my daughter Emma, and two men servants.

What were the men servants' names?—Robert Fox and Robert Walters.

Was anything said by the people on the outside to any of you within?—They said to my son William "We must have your guns

and your men, or we will blow your brains out."

At the time the window was broken, or just after, was there any thing said by the people on the outside?—They fired immediately after the window was broken.

Did the firing do any hurt to the people within?—To Robert Walters.

It struck him?—He was shot dead, nearly dead, he lived ten minutes, or thereabouts; I cannot exactly speak to the time.

He died very soon after?—Yes.

Did he die of the wound he received?—Yes.

What was he doing at the time he was struck with the shot?—The last time I saw him he was stooping down, as if putting on his boots.

How with respect to the window?—He was sitting down on a chair opposite the window.

Do you know where the shot struck him?—In the neck, on the right side.

After that was any thing further said by the people on the outside?—They kept demanding the men and the guns.

Did they use any threats?—They threatened William. When the man was shot, I said, "We must give up the guns, or we shall be all murdered." I thought it was William who was shot; I saw him fall on the floor.

Were the guns fetched and delivered?—The gun which was hid in the cellar was fetched and delivered. They said "We must have your men."

Was the gun delivered to them out of the window?—Out of the window.

They said, "we must have your men?"—Yes; I went up stairs to a party at that window and told them that we could not let them have a man, that it was sufficient that one was shot; they said, "if you do not retire from the window, we shall serve you the same, and silence you directly."

They did not get any man from your house?—No, I told them they must go away, they had done enough.

After they were gone did you find any stones or any thing else near the door of the house?—A great many stones near the door of the house.

What sort of stones?—Some large and some small.

They appeared stones used for striking the door?—They did.

Did you find any thing else?—A pike was found near the door with which the door appeared to have been bored.

Had the door marks of that kind upon it?—It had.

Mr. Samuel Fletcher, sworn.—Examined by Mr. J. Balguy.

Where did you live on the 9th of June last?—At Pentridge-lane-end.

At what time did you and your family go to bed on that night?—It was eleven o'clock.

Were you disturbed at any time afterwards?—About twelve, by a very heavy knocking at the door.

Did you get up?—I jumped out of bed and ran to the window, and opened it.

Did you look out of the window?—Yes, I saw a large concourse of people.

How many?—Thirty or more at that window.

Did you see any more any where else about your house?—Yes, I saw a many more afterwards at another window.

Did you observe whether those men had any thing in their hands?—Yes, they levelled pieces at my head as soon as I opened the window; there appeared to be five or six.

What do you mean by pieces?—Guns; there appeared to be five or six guns levelled at my head.

Did you say any thing to them upon opening your window?—I cried, "halloo," they cried, "your arms, your arms, damn your eyes your arms." I said, "what arms?" they said, "you have got two or three guns." I said I had got but one gun, and I did not know that that was at home. They said, if I did not fetch it down, and open the door, they would blow my brains out. I said, "well, well, let us have time." I ran down stairs, and up another pair of stairs, where my servant sleeps.

Did you fetch the gun?—No; I went to where my servant slept, to the contrary part of the house to make my escape, but I saw that part of the house beset as well as the other part of the house.

Finding the house surrounded in this way did you give the gun?—My servant did, I ordered him.

What is the servant's name?—William Shipman.

Was any thing said on William Shipman giving them the gun?—They cried, "get you dressed."

Was that to William Shipman or to you?—I did not know then to which it was, but they cried "get you dressed," accompanied with, "damn your eyes we will blow your brains out;" they kept beating the door all the time.

What servants had you in the house?—I had none but Shipman at that time.

Did Shipman get dressed?—Yes, one cried "come Shipman," and another cried "come Billy;" he appeared very unwilling to go, he did not dress him in the house.

Did he take his clothes out of the house?—Yes, he took them in his hand.

You say he appeared to be unwilling to go?—Yes, he cried at going, and I told him he must go and make his escape as soon as he could. I said, "damn them, thou knowest them all, they are all Pentridge and Wingfield."

That you said privately to him?—Yes.

How long was it before he returned?—I was not at home when he returned.

You went out for some time, and on your return you found him got back?—Yes, I did.

Was that on the Tuesday morning?—Yes, it was on Tuesday night I got home.

You had been out all Tuesday?—At Derby; I told him to take notice who they were, and what they did, and bring me word.

*William Shipman, sworn.—Examined by
Mr. Solicitor General.*

You are a servant of Mr. Samuel Fletcher?—Yes.

Were you living in his house in June last?—Yes.

Do you remember being disturbed on the night of Monday the 9th of June?—Yes.

About what hour?—About twelve o'clock.

What was it disturbed you?—Knocking at the door.

Did you hear any voices?—Yes.

What did they say or do?—They called out "Shipman, you must come and go with us."

Did you know the voice of the man who called out "Shipman"?—Yes.

Whose was it?—Joseph Topham's.

Is he a man of Pentridge?—Yes.

Did you go to the window?—Yes.

What did you see when you went to the window did you see any men?—Yes; I saw several men in the yard, eleven or twelve.

Had they any arms?—Yes; they were armed with guns and spikes.

Did they say any thing when you were at the window?—They told me I must come, and go with them.

Did your master come to you?—Yes, he did.

Did you speak to them?—Yes.

What did you say to them?—They said they must have a man and a gun.

What did you say?—I told them there was but one man; they said they knew there was two, and they must have one.

Did they continue this knocking at the door?—Yes.

What did you say more to them?—They demanded the gun again, and my master said it would be better for me to fetch the gun and give it to them.

Did you fetch the gun?—Yes.

Where did you give it to them?—Out of the window.

What did they say on your giving them the gun?—They told me that I was to come and all.

What did you say or do upon that?—I told them that I could not go, that there was only me in the house; but they insisted upon having me; my master told me it would be better for me to go, and mind and tell him all that I could.

What did you do then?—I took my clothes, and went down stairs, and opened the door, and dressed myself at the door.

Did you say any thing to them then?—No, I did not say any thing.

Did they say any thing to you?—The cap-

tain, as they called him, insisted upon my coming.

What did he say?—He told me to make haste and dress me, or he would blow my brains out, and clapped the muzzle of the gun towards me.

Did he say any thing then?—He told me if I did not make haste and come he would blow my brains out.

Was that all he said?—Yes.

You dressed yourself?—Yes.

When you dressed yourself, what then?—I went with them.

Had that person whom you called the captain said any thing to you when you were at the window, before you came down?—They called out for the captain, and he came forward and said, that if I did not make haste and come down, he would blow my brains out.

Do you recollect whether he said any thing more then?—No.

When you had dressed yourself, where did they go?—They went out of the yard on to the turnpike, and there were several others.

Were they armed too?—Yes.

In what way?—With guns and spikes.

Where did you go to?—We went to some houses there were a little way off.

What did you hear?—I heard them breaking open houses.

Do you recollect going to the house of a man of the name of Booth?—Yes.

That is at Pentridge-lane-end, I believe?—Yes.

What did they do at Booth's?—They began knocking at the door, and demanded a man and a gun from Booth's.

Did they get either?—Yes.

What did they get?—A man and a gun.

Who was the man?—Booth's son.

Do you know a person of the name of Samuel Hunt?—Yes.

Was he with you at Booth's?—Yes.

What did he do at Booth's?—He was very violent there.

What was done then, after you had got this man and gun from Booth's?—We were marched on the road to Mr. Storer's.

How were you marched on?—They formed us into a rank when we got to Storer's.

In what way were you formed?—Two deep; they picked out sergeants.

Did they command the different divisions?—Yes.

That was at Storer's, was it?—Yes.

Where is that, in Pentridge-lane?—Yes.

Where did you march to?—We marched to the bottom of Pentridge, the Bull-hill they called it.

What happened there?—We were halted there for about a quarter of an hour; I do not know what they were doing.

Where did you go to from thence?—We marched a little further, to the meeting-house.

What was done at the meeting-house?—The captain ordered a man to fire a gun, there were several of them tried, which would not do, and the captain fired his off.

What was that fired for?—To let the Ripley and Butterley people know that they were come.

Do you know a person of the name of James Weightman?—Yes.

Did you see James Weightman there?—Yes.

When you were at Pentridge?—Yes, near the meeting-house.

Had he any thing with him?—Yes.

What had he?—A hat full of bullets.

Was Thomas Weightman there too?—Yes.

Where was Thomas Weightman?—He was in the ranks; I was against him.

What had he, a gun or a pike?—He had a spike.

You saw these bullets?—Yes.

Was any thing said about the bullets?—Yes.

What was said?—I put my hand in and took two or three out, and he said I must not take none for they should be short enough.

Who said that?—James Weightman.

Did Thomas Weightman say any thing to you about the bullets?—Yes.

What did Thomas Weightman say about the bullets?—That he and James Weightman had been casting them while we came round by the Lane-end.

After you had been halted this quarter of an hour, where did you go next?—We marched on up the town of Pentridge.

How far up the town?—Towards the top.

Where did you turn then?—We stopped at Mr. Booth's.

Is that William Booth's?—Yes.

Mr. Justice Abbott.—Is that where they got the man and the gun.

Mr. Solicitor General.—No, my lord, that was another Booth. What is the name of the other Booth, where they got a gun and a man?—Samuel Booth.

In your way up the town did they knock at many doors or houses?—Yes.

Did they get arms?—Yes, I believe so; I heard them demanding arms.

When you were at William Booth's what was done there?—They fetched a poney out.

Who fetched the poney out?—George Weightman and the captain that I saw with him in the yard.

What was done with the poney?—They fetched him out for Mr. Storer to ride upon, but he was ill, and fell off.

Was Storer a person that they forced to go with them?—Yes.

What was then done with the poney?—George Weightman got on and rode right off, and I saw no more of him till we got to Langley Mill.

Which way did he ride?—Down the lane towards Butterley.

Is that in the direction to Nottingham?—Yes.

Which way did you proceed then?—Down the town again, and turned right for Butterley.

When you got to Butterley what was done?—

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—They wheeled us round to the gates, and knocked at the furnace gate.

That is, at the Iron-works?—Yes.

Mr. Jessop's?—Yes.

Upon knocking at the gate did any person come?—Yes.

Who?—Mr. Goodwin.

Was any thing said by him when he came to the gate?—Yes; Mr. Goodwin asked him what he wanted there.

Asked whom?—The captain.

What did the captain say to that?—He said he wanted his men. Mr. Goodwin said he had men enough unless it was for a better purpose.

What was done then?—We were marched forward.

Which way did you go then?—Over Butterley coke-hearths.

That was round the works, was it?—Yes.

And you got back to the turnpike-road again?—Yes.

Had all of you gone to Butterley works, or had any gone down the turnpike-road?—All I saw had gone to the works.

When you got to the turnpike-road where did you proceed then?—Right up for Ripley-town-end.

What was done when you got to Ripley-town-end?—We were halted, and shouted three times.

In your progress from Ripley-town-end, where you shouted, what was said by any of the party?—I do not recollect.

What was the reason of your shouting?—To let the Belper men know where we were, the Heage and Belper men.

Do you mean the persons from Heage and Belper?—Yes; there was a party to meet them there from Heage and Belper.

And you were to shout to let them know that you were come?—Yes.

Mr. Justice Abbott.—This was said by the people, was it?—Yes.

Mr. Solicitor General.—After having said this, which way did you go then?—To Codnor.

Is that in the turnpike-road to Nottingham?—Yes.

I will not stop to inquire what passed there; where did you go from thence?—From Codnor to Mr. Raynor's at Langley Mill.

What was done at Raynor's, and did they demand any man or gun there?—Yes, a man and a gun.

Was any man compelled to go with you from Radnor's?—Yes.

I do not stop to inquire particulars. Did you then proceed towards Langley Mill?—Yes.

Raynor's is a little before you get to Langley Mill?—Yes, it is.

When you got to Langley Mill did you see George Weightman?—Yes.

Which way was he coming?—He was coming towards us.

In the direction from Nottingham?—Yes.

On the poney?—Yes.

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Was any thing said to him when he came up?—Yes.

What was said?—They asked him how they were going on at Nottingham.

Who asked him?—There were several asked him.

Several asked him as he was riding along the ranks?—Yes.

What was his answer?—He said they were going on well; that the soldiers were in the barracks, and the town was taken; and that we should have nothing to do when we got there.

That all was going on well?—Yes; but we were to march forwards.

Did you march forwards?—Yes.

How far did you go with them?—We marched to Eastwood then.

That is still in the turnpike-road, is it?—Yes.

Did you contrive to get away then?—Yes; when we got a little past Eastwood, I got away.

Who was the captain you have told us about? do you know his person?—No; I cannot say that I know him: I think that is the same man, but I will not swear to him.

How was the captain dressed that night?—He had a big coat on, and trowsers, and an apron tied round his middle, and a pistol tucked in.

How was his beard?—He had whiskers round over his chin, but no beard.

Do you know William Turner?—Yes.

Was he one of the party?—Yes.

Had he a gun?—Yes.

A man called Manchester Turner, was he among them?—Yes; I just saw him.

Can you say what arms he had?—No, I cannot.

Do you know Edward Turner?—Yes.

What had he?—A long gun.

Do you know two Joseph Weightmans?—Yes.

Were they both with you?—Yes.

Do you know Samuel Ludlam?—Yes.

Was he one of the party?—Yes, he was.

Samuel Hunt?—Yes.

What had he?—He had a spike first.

Had he any thing else afterwards?—Yes, a gun afterwards.

Do you know German Buxton?—Yes.

Was he one of the party?—Yes.

What had he?—He had a gun.

William Barker and Alexander Johnson, were they both with you?—They were.

What had they?—They had both spikes.

Joseph Savage, what had he?—He had a gun and a pistol and all.

Joseph Topham?—Yes.

Benjamin Taylor?—Yes.

Joseph Taylor?—Yes.

Had they arms?—Yes, they had spikes.

Samuel Walters?—Yes.

Do they call him Samuel Dudley too?—Yes.

What had he?—A spike.

You remember those persons particularly?—Yes.

Do those men live some at Wingfield and Pentridge?—Yes.

Any of those at Swanwick?—Yes.

Some of them Pentridge men, some Wingfield, and some Swanwick?—Yes, and some Butterley.

Those men you had known before, had you?—Yes.

Henry Hole, sworn.—Examined by
Mr. Sergeant *Vaughan*.

I believe you live at Pentridge-lane-end?—Yes.

Do you remember on Sunday the 8th of June seeing any body in particular?—On Sunday night, turned of nine o'clock, I saw Samuel Hunt, and about seven or eight others, standing before the smithy door of George Turner.

What did Hunt say to you?—I had a jug of milk in my hand, and Samuel Hunt said "you are fetching that to be ready for those men to-night;" I said, "what men;" he said, "those revolutionists which will come to-night or to-morrow night."

Mr. *Cross*.—The prisoner was not there.

Mr. Sergeant *Vaughan*.—No, but it was Sunday night; it was long after we have fixed the prisoner, Brandreth, as being present at a meeting in the morning.—Did you see any of them on the next night?—Yes.

Did Hunt say any thing to you?—Hunt and me soon parted;—I saw nothing of him any more.

On the next night, and at what time did you see and hear any thing of any of them?—On the 9th about twenty minutes before twelve o'clock, me and my wife were awake by some violent blows that came on the door.

Did you get up?—I got up and put my head out through a window and cried "halloo, who is there?"

What did you observe, and what was said to you?—I said, "what do you want," they cried, "we want you to volunteer yourself to go with us."

What further did they say?—They said, "if you do not come down immediately and open the door we will break the door down and murder you."

Did they offer you any thing?—I came down and opened the door, and I saw four men standing.

Did you know either of those men?—I knew two of them, Joseph Weightman and Joseph Topham.

Did you ask them where you were to go to?—I asked them where they were going, they said they were going to Nottingham.

Upon their telling you they were going to Nottingham, what did you say to them?—I told them I could not pretend to go, I had no money to carry me there nor any body to take care of my family while I was gone; they said

I needed no money they should keep me on roast beef and ale, and there were people fixed to take care of every body's family who would come in two days or under.

What further did you say to them or they to you?—They said I had better go with them that night than stop till morning.

Did they say why?—They said they would come from Sheffield like a cloud and drive all before them, and them that refused to go would be shot.

That they would come from Sheffield like a cloud?—That they would come out of Yorkshire like a cloud.

And them that refused to go would be shot?—Yes.

Upon their saying this, what did you do?—I dressed myself and went out; a pike was forced upon me.

Upon going from your house did you observe more than those four that you first spoke of?—I said I was not able to carry that pike if they were going as far as Nottingham, that they must either take it or I must hurl it down, and one of them took it.

Where did you go?—We went from my house down to the turnpike-road, and about twenty or thirty yards on the turnpike-road I observed about twenty or thirty men armed with pikes, and guns, and weapons.

Without going into very minute particulars, to what house did you march first?—We marched against John Sellars's.

From thence where did you go to?—We went from there along the turnpike-road along by Mr. Samuel Fletcher's.

We have had that from Fletcher and his man; from thence where did you go?—We went a little further on the turnpike-road, and there we were divided.

Before you were divided, did you see any thing of the prisoner?—Yes, I saw him in Mr. Fletcher's yard.

Did any party join you there or come up to you before you left that part?—Yes, a party that I understood had been at Mrs. Hepworth's.

Amongst that party, did you observe the prisoner at the bar?—Yes, I observed that man, he passed for the captain, I did not know his name; but I am positive that is the man.

You are positive that is the man?—Yes, I saw him some time ago and am sure he is the man.

Whom did you observe in that party that joined you before you got into the yard of Mr. Fletcher?—I observed William Turner, Manchester Turner, Isaac Ludlam the elder, William Ludlam.

You have before spoken of Hunt and of Topham?—No, not that night.

Did you see any other persons there?—I saw Samuel Hunt, just as we were going out of the yard.

Had you any conversation with Samuel Hunt?—Did any thing pass between you?—

No, we passed along the turnpike road, and there we divided; the captain and the biggest part went to a row of houses.

Where did the others go to?—The other eight or ten men, I along with them, went with Samuel Hunt to Samuel Booth's.

You have spoken of Manchester Turner, do you remember what he had with him?—He carried apparently a sort of two-headed spear, with a handle like an old fashioned sword.

What had William Turner?—A gun.

And the rest you have told us had guns or pikes?—Yes.

You say they went to Fletcher's?—No, to Samuel Booth's, and there they knocked at the door.

Did you take any body with you from Samuel Booth's?—They knocked at the door, and Mr. Booth came to the window.

Was any body taken from the house of Samuel Booth and made to accompany you?—Yes, they took his gun.

Was Brandreth the prisoner with you at that time when his gun was taken?—Brandreth came up as we were just coming out of the house, and we then marched on to Wheatcroft's at Buckland-hollow.

What was done at Wheatcroft's?—Brandreth went up to the door, and knocked with the butt end of his gun.

Did you get any thing from Wheatcroft's?—Yes, they brought three men and a gun, and a stack paring-knife, with which they armed me.

Such a knife as they cut the hay with?—No, a corn paring-knife.

What sort of a knife is it?—A scythe blade put into a stick about a yard long.

What became of you and the party? When you were armed with this where did you go?—We went to Pentridge-lane-end again, and joined the other party.

When you joined the other party, what was done with you? were you put into ranks?—Brandreth ordered us to fall into ranks three deep, part of the musket-men before, or in front, the pike-men in the middle, and the others in the rear.

Being so formed, where did you march to?—We marched towards Pentridge.

Did you see any thing of a person of the name of Storer?—They halted them against Storer's, and they brought Storer and put him into the ranks.

Where did you go to then?—We marched again to Pentridge.

When you were there, did you see any thing of Booth or Weightman?—I saw Mr. George Weightman, as we were going out of Pentridge, ride past on William Booth's poney.

Do you know whether he had any communication or conversation with Brandreth?—I saw them stand on one side, apparently as if they had some serious conversation.

Did you see any thing there of William Ludlam? You have spoken of his being there before, did he continue?—I had some conver-

sation with him; I asked him which of Mrs. Hepworth's men was shot, and he replied, Robert Walters.

Did he say whether he was present or not?—I asked him whether he was sure he was shot dead, or whether he was only wounded? He said "Nay, he was shot dead, for he saw him lying on the kitchen floor just after the captain had shot."

Where did you go to from thence?—We marched to Butterley, and heard William Talbot knocking at the yard gates.

From Butterley Works where did you march to?—Towards Ripley.

Did your number increase, when you were at Ripley had you more or less?—No, I did not see any more; the men were halted there, and three burras given.

Having done that, where did you go next?—We marched along the Nottingham road towards Codnor.

Did you take any refreshment there?—Yes. At whose house?—At what they called the Glass House.

What was done at the Glass House? who went into the house, and what was done there?—We all went in.

Who took the lead?—I cannot positively say; the captain knocked at the door.

Did any body make a speech or do any thing there?—I heard a little of it, but not the whole.

Who was speaking?—John Bacon in the back kitchen.

Was Isaac Ludlam there?—I saw him standing with a musket keeping guard at the door. I saw him stand in the rain at the door with a musket in his hand.

Mr. Justice Abbott.—It was a wet night?—It was a wet morning; it rained very hard.

Mr. Sergeant Vaughan.—Do you remember the substance of what Bacon said?—He said that government had robbed them, and plundered them of all that ever they had; that that was the last shift that ever they could make, they must either fight or starve.

Whilst you were there did you see any thing of Samuel Hunt or Manchester Turner?—I saw them come up, apparently with forty or fifty men, which they said they had collected.

Whilst you were stopping at this house?—Yes.

Did they take any body from this house?—I did not see them take any body any more than the party that was at the house; we were joined by a large party from Swanwick.

Were those the forty or fifty you spoke of, or another party?—Another party.

How many were there of that party?—I cannot justly say; I should think there were sixty or seventy of them.

Where did you march to?—We marched along the road towards Langley Mill; we were halted at Mr. Raynor's, where I saw William Turner go first into the house.

I do not want to go into particulars. Did

Turner call any body to his assistance there?—Yes, he called Brandreth.

To do what?—Brandreth said to young Mr. Raynor "Damn you, if you do not turn out we will shoot you."

Did they take any body from Raynor's house, either young Raynor or any body else?—They took a servant, a gun, and a pitching fork.

In your way to Langley Mill did you meet any body?—We met a man with five cows, whom we took; and we met at Langley Mill George Weightman.

Had George Weightman any conversation with Brandreth?—Yes, I saw them stand together a little way from the men.

Was George Weightman on horseback?—Yes.

After he had been standing with Brandreth did he say any thing to the men?—He said, as he rode by, "All is right, my lads, you have nothing to do but to march on; they have bombarded Nottingham at two o'clock this morning, and it is given up to them."

Did they take any men from about Langley?—Yes, they picked up some men.

In what direction did you march from Langley Mill?—We marched forwards towards Eastwood.

Had you any conversation about Eastwood, as you approached Eastwood, with any person of the name of Barnes?—As we approached Eastwood I had some conversation with James Barnes; he said they were going to Nottingham, that they had fixed a fresh government at Nottingham, and they were going thither to defend it.

What further did he say? relate as particularly as you can?—He said it would soon be all over; for, by a letter he had seen yesterday, the keys of the Tower would be given up to the Hampden club party if they were not already.

Mr. Cross.—I wish to know whether the prisoner was present and heard that conversation?

Mr. Sergeant Vaughan.—I will ask the question, not that it signifies: Was Brandreth with the party?—He was with the party, but could not hear this.

Mr. Cross.—My lord, I submit this cannot be received.

Mr. Sergeant Vaughan.—You understand that Barnes is one of the party commanded by Brandreth.

Mr. Cross.—My lord, I have not, during the whole course of this trial, objected to any thing stated as coming from the mouth of any one of these defendants—

Mr. Sergeant Vaughan.—Give me leave to state that Barnes is one of the persons indicted; we have not got him.

Mr. Cross.—I have not troubled the court with any objection to the expressions coming

from the mouth of the defendants that could shew what was their design in the acts they were perpetrating; but I conceive that if a man appears to come from a distant part of the country, and states upon his knowledge that he has witnessed a fact that occurred at that place,—that cannot by possibility be any evidence of the design of the man to whom that fact is communicated. Therefore, I humbly submit that any thing communicated by the man who returned from Nottingham as to a fact he had witnessed, is not evidence.

Mr. Solicitor General.—This is not the man who returned from Nottingham.

Lord Chief Baron Richards.—It is Barnes, not Weightman who states this.

Mr. Cross.—Who states this as a fact?

Mr. Justice Dallas.—This is certainly evidence—he states this as a letter he had seen, and which was to influence the persons with them.

Mr. Sergeant Vaughan.—What did he say?—That by a letter he had seen yesterday, the keys of the Tower would be given up to the Hampden club party, if they were not already.

Mr. Cross.—The keys of the town.

Mr. Sergeant Vaughan.—No, the keys of the Tower.

Lord Chief Baron Richards.—Repeat it again.—“We are going to Nottingham; we have fixed up a fresh government at Nottingham and are going there to defend it; it will be soon all over, for by a letter I have seen yesterday, the keys of the Tower will be given up to the Hampden club party, if they are not already.”

Had you any further conversation with Barnes?—Yes.

What was it?—He said he had never sat down five minutes at once since four o'clock yesterday morning.

Did he say what he had been doing during that time?—I asked him what he had been doing, and he said he had been providing guns, spikes, and ammunition.

How did the men behave themselves at Eastwood? what became of them?—They were apparently disorderly, and Brandreth ordered them again into ranks.

You say Brandreth ordered them into ranks, that they were apparently disorderly; what was done, what did you do, and what became of you?—I turned out of the ranks and stood a little distance from the man, and Brandreth came to me and ordered me into the ranks again.

Did you say any thing to him?—He ordered me into rank, and I told him I would not go in again for him or any other man.

What did he do upon that?—He came up to me, cocked the gun, and said, if I did not go

in immediately he would shoot me in a moment.

I think you have told us you had a stick-paring knife with you; what did you do upon this?—I stepped up to him with this knife, held it over his neck, and said if he offered to level his gun at me I would hack his head off.

Upon your saying this to Brandreth, what did he say or do?—He turned off from me, and I walked off down the turnpike-road as if I was going towards Langley Mill.

Whilst you were walking off, and when you were at some distance, what did you observe or hear?—When I was about fifty or sixty yards off, I heard a cry of “do not shoot.”

Upon hearing that cry of “do not shoot,” did you turn round and see any thing?—I turned round and saw Brandreth with a gun on his shoulder pointing to me, and I saw, at the same time, a man of the name of Thomas Turner take hold of him and turn the gun off.

You mentioned the names of some that were with you originally; do you remember the names of any others whom you saw there?—Yes, several.

Give us the names of those you have not already given; did you see any thing of John Hill?—I saw him there.

Samuel Ludlam?—Yes.

John Onion?—I saw one of the Onions, but I do not know his name, it was an elderly man.

Did you see Edward Turner?—Yes.

Robert Turner?—Yes.

James Taylor?—Yes.

Joseph Taylor?—I saw three brothers of the name of Taylor; I knew them very well by sight but I do not know their names; I believe they were Thomas, Joseph, and Benjamin.

What had John Hill with him?—A gun.

What had James Taylor?—James Taylor had a gun, and the other two Taylors had each spikes,

Did you make your escape there, and get away from them?—I did.

You have spoken of the conversation between you and Barnes, and he said it was all over; did he say where it was all over? all over where?—He did not say; but he said it would be soon all over.

Did you hear any place mentioned besides Nottingham?—Till other counties, he said, came into their measures.

What was to be done till other counties came into their measures?—That they were going to stop at Nottingham till other counties came into their measures.

Can you tell us, without fixing yourself to the particular number, about what force you might have at Codnor?—I thought at Codnor there were upwards of two hundred men. I saw several other parties as I was going back.

You thought they were two hundred and upwards at Codnor?—Yes.

But besides that, you met several other parties coming?—Yes.

Were they proceeding on the same line of march towards Nottingham?—Yes, on the same line, following them.

Without speaking to particulars, can you speak to their numbers?—The first party I met afterwards, I thought might be about fifty.

Did you observe about what number there might be in any other parties?—I saw another party near Langley Mill of about sixty or seventy, and I turned aside out of the road to miss them.

Did you meet, after that, any other party?—No; I did not see any more.

Henry Hole cross-examined by Mr. Cross.

You have been speaking of a man of the name of Barnes; was he with the party who came first your way?—No; he was with the party who came from Swanwick.

Barnes came with the Swanwick party from Codnor?—To Codnor.

That was the first time you saw him?—Yes.

How long was that after you had joined them?—Three hours, or more.

When Barnes told you this story about what passed at Nottingham, this prisoner was not present?—No, not near.

Not near enough to hear what Barnes said?—No; we had it by ourselves, at a little distance from the men.

When they persuaded you to join them, their cry was roast beef and ale at Nottingham; that was what you were to go for, they told you?—They told me we should be kept on roast beef and ale; that there were people to take care of every body's family that went.

A provisional government, was not it?—They said nothing about government.

Most of you expected the good cheer when you got to Nottingham, I suppose?—I did not expect it; I expected to have been knocked on the head most of all, or I should not have done what I did to get away; I ventured my life to get away.

At what hour?—I cannot positively say; but I should think about nine o'clock.

At night, or next day?—The same day that we started, in the morning part.

Henry Hole re-examined by Mr. Sergeant Vaughan.

Do you know what country Barnes comes from?—He comes from Alfreton; his father lives at Alfreton; he himself lives at Swanwick.

And he came with the Swanwick party to Codnor?—Yes.

You say Brandreth was not near enough to hear what you said, but he was at that time commanding the party?—He was among the party somewhere, he was captain.

William Booth sworn.

Mr. Denman.—Were you in court yesterday?—No.

On the part of the trial?—No.

Did you hear none of the witnesses give their evidence?—No.

You are quite sure of that?—Yes.

William Booth examined by Mr. Clarke.

Are you the son of Samuel Booth?—No.

Where do you live?—At Pentridge-lane-end.

On Monday night, the 8th of June, were you taken from your house?—Yes.

By whom?—By the captain and others.

Have you seen the captain since?—Yes.

Look at the prisoner, and tell me whether you know him?—Yes, there is no danger but it is the same man.

I will not ask you as to particulars; did you see George Weightman in the course of the time you were with them?—Yes.

Did you see him on a poney?—Yes.

Did you hear any directions given by the captain to him?—Yes; the captain told him to go on that horse on to the Forest and to bring tidings, and meet them again at Langley Mill: that was done. He met them again at Langley Mill.

To what forest?—To Nottingham forest.

What was he to do at Nottingham forest?—I did not hear him say what he was to do; he was to go there, and come back and meet him again at Langley Mill.

And he did go?—Yes.

And met you again at Langley Mill?—Yes.

William Booth cross-examined by Mr. Denman.

Did you hear Barnes make any speech?—No.

Or state any thing?—No.

Mr. George Goodwin, sworn.—Examined by Mr. Gurney.

I believe you are one of the managers under Mr. Jessop of the Butterley Iron-works?—I am.

Before Monday, the 9th of June, had you many of your men sworn in as special constables?—We had.

For what purpose?—For the purpose of suppressing the insurrection that was expected to take place.

For the purpose of preserving the peace in short?—Yes.

Was the neighbourhood in a quiet or a disturbed state?—In a very disturbed state.

In the night of Monday, the 9th of June, had you assembled those persons whom you had sworn in as special constables?—We had.

In what numbers?—I think from seventy to eighty perhaps, perhaps nearly an hundred.

How long did you keep them together?—We were all night at Ripley till day-light in the morning.

That is, close to your works?—About half a mile or three quarters of a mile from the works at Butterley.

In the course of the night did you hear any thing in the surrounding country in the villages?—We did; we heard shots, guns fired, horns

blowing, shouts, and different noises throughout the night.

Mr. Justice *Abbott*.—At a distance, I suppose?
—Yes at a distance.

Mr. Justice *Dallas*.—At what time did the firing begin?—I think a little before twelve o'clock was the first shot.

Mr. *Gurney*.—Had you heard other noises before that?—Yes, I saw lights in the villages.

Did it appear that there was something very unusual going on?—It did.

Were you apprehensive of your works being attacked?—We were; we had been told—

Allow me to guide you. When day light came, what did you do with the persons whom you had assembled for the protection of your works?—The greater part went home supposing the insurrection would not take place that night, and others, to the number of about a dozen or thirteen, whom we had armed with pikes, remained; those armed with guns, living at Ripley and Butterley, having gone home. The men armed with pikes came down with Mr. Jessop and me to the works to deposit the pikes in safety.

Just after that had been done, what occurred?—I ought perhaps to state, that when they got to the works we had left a small body, eight or ten, under the care of Mr. Wragg, to protect the works; we found them there.

Therefore you were nearly thirty strong?—Yes; I fancy we might be.

It was a very wet night and morning?—A dreadful rain fell in the night, a very heavy rain indeed.

Did any large number of persons approach your works?—Yes; soon after the men had got down to the works, and the men had deposited their pikes in the office, about a quarter past three, I observed a person riding past on horseback.

Who was that person?—It was George Weightman, mounted on Mr. Booth's horse; Mr. Booth of Pentridge.

Is he the son of the woman who keeps the White Horse public house at Pentridge?—He is.

Is she related to the two Bacons?—She is sister to Thomas Bacon and John Bacon.

Which way was George Weightman riding?—He was riding on the road towards Nottingham.

Soon after he had passed, what did you observe?—I called to him to stop, but he looked over his shoulder at me, and rode on.

Mr. Justice *Abbott*.—Did you call to him by his name?—No, not by his name.

Mr. *Gurney*.—Did you shortly after observe any body of men approach?—Yes; we felt convinced then that they were coming; we saw a body of men approaching at the distance of about an hundred, or an hundred and fifty yards, on the road from Pentridge to Butterley.

How many in number do you think?—About a hundred.

—Were they irregular, like a common assemblage of people, or in regular order?—They were drawn up in regular order, marching in a line.

Do you mean marching like soldiers?—Yes, two deep, in regular order; what military men would call locked up.

Mr. Justice *Abbott*.—Do you mean two deep?—Two abreast in line, two deep, marching in file.

Mr. *Gurney*.—Were they armed, or unarmed?—Armed.

With what?—The greater part with guns, most of the rest with spears and pikes; a few had forks; there were very few who had no arms at all.

Upon their near approach, what orders did Mr. Jessop give?—He said, you see how they are armed.

What orders were given?—Orders were given for the men to retire into the office, and defend the office.

When they had come as far as your office, what did this body of men do?—They were marching with Brandreth at the head, as captain.

When they came opposite the office, did the prisoner say any thing to them?—He gave them the word, when they got to the gates of the foundry, to halt, to the right face, front, and they did so.

Was he armed?—He was.

With what?—With a gun, and he had a pistol tucked into a kind of belt; it appeared like an apron twisted round him.

Did the men then form a line opposite your gate?—They did; they extended in a curved line from the gate to a wall in front of the works; we were enclosed.

They formed a curve round you?—They did.

Did the prisoner then do any thing?—He knocked at the gates with the butt end of his gun.

Did you ask him any question?—Yes; "what do you want? what is your object here?" I, standing at the door in the front.

What answer did he give you?—"We want your men."

What answer did you give to that?—I told them "you shall not have one of them; you are too many already, unless you were going for a better purpose; disperse; depend upon it the laws will be too strong for you; you are going with halters about your necks; you will all be hanged."

Did the prisoner make any reply to this?—None.

Did you then observe in the rank any persons whom you knew?—I did.

Who were they?—Isaac Ludlam.

The elder or the younger?—The elder.

Was he armed?—He was armed.

With what?—A spear.

Whom else?—James Taylor, a nephew of Isaac Ludlam, armed with a gun.

Any third person?—Isaac Moore.

How was he armed?—With a fork.

Did you speak to either of them?—Yes.

Were they all three together or apart?—They were together, they were in the front rank.

Which of them did you accost?—Isaac Ludlam the elder.

What did you say to him?—I said, "Good God, Isaac, what are you doing upon such a business as this? What are you doing upon such an errand? You have got a halter about your neck, go home."

Did you do any thing to enforce that admonition?—Yes.

What?—I took him by the shoulder and pushed him towards the office; I told him if he had any regard to his family or country, to go home. I took him and pushed him towards the office; I was then in the ranks close to him.

Could he have taken refuge in your office at that time?—He might.

What answer did he make?—He said, "I am as bad as I can be; I cannot go back, I must go on." He was exceedingly agitated when I talked to him.

Did either of these three take refuge in your office?—Neither of them.

Did any others who were there avail themselves of that opportunity?—They did.

Who were they?—There was Mr. Hugh Booth, the son of Mr. Samuel Booth, Mr. William Booth's servant, I think his name was Wain, and there was a Turner, of Pentridge-lane-end.

They got into your office, and you sheltered them?—Yes.

What then became of the body of the men?—I then left them and went to the office door, and after a short pause, Brandreth gave them the word "March," and they went away.

Towards what place?—They went on the road towards Nottingham, a short distance towards Ripley; they went first over the coke-hearth, and then came back again, and finally went towards Ripley.

Shortly after they were gone, did you observe any other body of men following them?—Yes.

Amounting to about what number?—Forty or fifty. Perhaps they did not come so far as the office.

Sometime after they were gone, did you observe William Weightman?—I did.

On foot or on horseback?—On horseback.

What relation is he to George?—Brother.

Was any person with him?—Yes, a young man of about seventeen or eighteen.

Do you know his name?—I believe his name was Taylor, brother to Weightman's wife.

Which way was Weightman going?—He was going towards Nottingham.

Did he follow in the same line those men had gone?—Yes, in the same direction, but he went a short cut, a more direct way to Nottingham.

What did you do with respect to him?—I rushed out and seized his horse's bridle, supposing he was going to join the rebels, and stopped him; he admitted that he was; and he said if I would let him go back he would go back and would not go near them.

Lord Chief Baron *Richards*.—What were the words that passed?—

Mr. *Gurney*.—You said to him, what?—"Weightman you are going to join those fellows."

Was that the word you used?—I think it was; in the first instance he resisted, first saying that I had no right to stop him on the highway; I said you are going to join those fellows, and he admitted he was, and said he would go home.

You used the word fellows in both instances?—In the first instance I did.

He said he was; but if you would let him go he would turn back?—Yes.

Did he turn his horse's head?—He turned his horse's head, and went a short distance from me, and then I observed that he had a bag under him.

How was he dressed?—In a blue smock frock.

Did that smock frock conceal the bag?—Yes, I could not see it when he was speaking to me, for I was on the off side of the horse; it struck me when he turned, and I saw it, that that bag must be bullets.

Under that impression, did you again seize his horse?—I made a dash at his horse, and seized him by the bridle.

What did you say to him?—I told him I must have that bag; he said I should not, I had nothing to do with it; I said, "You rascal, I will have it, they are bullets, and you are taking them to join the rebels."

Did you get the bag from him?—I then took him by the collar, and was pulling him down from his horse, and he said he would give them up quietly, and they were bullets; he was obliged to do it he said, for they had threatened his life if he did not.

Mr. *Cross*.—I am not aware of the materiality of this evidence to the present prosecution; but I do submit to your lordships that the altercation between this witness and William Weightman in the absence of the prisoner at the bar cannot be admissible evidence against him.

Mr. *Dentman*.—William Weightman is deliberating whether or not he shall join a particular body of men;—there is nothing to connect him with that body of men, by order, by message, or by presence; this gentleman very kindly interposes, and endeavours to prevent his going, upon which William Weightman says something as to his motives relating a story as to what they had said to him. I submit that that is no evidence whatever against the prisoner at the bar; there is nothing to connect this man with him, and it is nothing but his

reason for proceeding to Nottingham, when Mr. Goodwin attempts to prevent it. If these had been shewn to be bags of bullets carried to the party, which is what I expected, that might have made it evidence; but not being traced to the party, it does appear to me (and I submit it with great confidence), that what he says with respect to his motives for joining this or any other outrageous party, cannot be evidence.

Mr. Gurney.—I certainly feel extremely indifferent to the having any declarations of William Weightman given in evidence, considering them as immaterial in this case; for the fact of his following them with this ammunition for the furtherance of their common object, would be sufficient. I thought the last declaration given by the witness would be rather gladly received by my learned friend (as William Weightman is a person indicted), than rejected by him: but when there appears to be a conspiracy of this extent, when parties appear thus arrayed in a hostile manner, when they cannot all be in one spot at the same time, and cannot be all making declarations in the hearing of the prisoner (William Weightman being one of the persons indicted, charged with being a co-conspirator with the prisoner), it appears to me utterly impossible to exclude the act of William Weightman, who was thus shortly following in the same track the parties who had gone armed with guns, he following with that ammunition which would make those guns effective and destructive. It appears, I think, perfectly clear, that the evidence of his acts is admissible: with respect to his declarations, it is certainly a matter of perfect unimportance.

Mr. Cross.—My lords, my objection is not so much to what the witness has already stated of the conversation and altercation between himself and Weightman, as because I conceive there is some view to affect the prisoner at the bar, and therefore I think it is time, when they introduce evidence of the declarations of William Weightman, that I should take your lordships opinion whether any part of the conversation between them ought to be received; there is no pretence for saying that the prisoner at the bar and William Weightman can be proved to have been personally together prior to that moment, and I conceive there is no ground at all for saying that because William Weightman happened to ride along the same high road, provided with something in a bag, and appeared sometime after the prisoner at the bar was gone, that is any evidence which can connect the prisoner at the bar with him.

Mr. Gurney.—I have not the least objection to the declaration being struck out, my lord.

Mr. Justice Abbott.—You waive the evidence of what was said?

Mr. Gurney.—Certainly, my lord. Did you afterwards obtain possession of the bag of bullets?—I did.

Have you them here?—Yes.

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What quantity?—About three quarters of an hundred; about eighty four pounds weight.

Were there, besides the bullets, any moulds for forming cartridges?—Yes.

Are those moulds for forming cartridges?—Yes; I believe they are.

Were they with the bullets?—Yes.

[The witness produced the bullets and the moulds, and some cartridge paper.]

Mr. George Goodwin cross-examined by Mr. Cross.

You have stated that you did prevail upon some of these men to withdraw from the multitude; how many of them do you think?—Three of them did withdraw.

Upon your persuasion?—They did withdraw; I did not force them at all particularly.

Mr. George Goodwin re-examined by Mr. Gurney.

The men you did address did not withdraw, but others did?—Yes.

Mr. Cross.—Did not those men who quitted, leave in consequence of your persuasion?—Certainly; in consequence of what I said.

Mr. Gurney.—Could the three whom you addressed have withdrawn from the insurgents, and taken refuge in your premises if they had pleased?—Certainly, for they were as close to the works as I was myself.

Mr. Cross.—I would beg to put another question; you know Isaac Ludlam, the elder?—Yes.

I believe he was at that time a pauper receiving relief?—Not that I know of.

William Roper sworn.—Examined by Mr. Sergeant Copley.

I believe you live at the entrance on Nottingham forest?—I live about the centre of it, at the stand.

Is that stand upon the race-course?—It is between the race-course; it is an oval course, and that is upon the centre.

The race-course runs round the stand where you live?—Yes.

I understand you to say, that is on Nottingham forest?—Yes.

Do you remember, on Monday night the 9th of June last, being at Nottingham, at Dennis's?—Yes.

Is that a public-house?—Yes.

While you were at Dennis's, did you see any person come to the door?—No, I did not that I recollect.

Did you see any person come to the house?—No; only it was reported—

Then I will not ask you to it; what time did you leave the house?—About half-past eleven.

To go home?—Yes.

Were you alone?—No.

Who was with you?—A person by the name of Percival; William Percival.

3 I

How far is Nottingham from your house?—I should think about three quarters of a mile.

In going home, did you meet persons on the way?—Yes, a great many.

When you got on or near the race-course, were you stopped by any person?—No.

Did anybody stop you and speak to you?—Yes, I was stopped, but not at first.

Did anybody stop you before you got home?—Yes.

How far from your own house were you stopped?—At the entrance of the race-course.

Was that by one person or more?—By two.

Did they speak to you?—The two first did not at the first entrance.

I ask you whether any persons stopped you, you say two persons, I ask you whether those persons spoke to you?—No: we were met first of all by two persons.

Were you afterwards stopped by any person?—Yes.

Was that one person or more?—One person.

Did that one person, who stopped you, speak to you?—Yes.

What do you mean by being stopped?—He asked me where I was going, we told him we were going home; he said that we must not go on that way, we asked him which way, he pointed directly—

Some conversation passed which induced you to stop; we do not want the particulars?—Yes.

Notwithstanding what he said, you pursued your course homewards?—Yes.

Before you got to the stand and to your own house, did you see any body else?—We met several.

Did you meet any number of persons together?—We passed them.

Did you see any number of persons together?—Yes.

How many might there be all together that were thus collected?—I should think about an hundred.

Were they scattered about or standing in any particular way?—They were standing in line.

In one single line, or drawn up?—Two deep.

Had they any thing with them?—Yes.

What?—They had pikes with them, part of them, or some thing resembling pikes, poles.

You could see that there were poles?—Yes.

As nearly as you can tell; let us know what time of the night this was?—I should think it was a little before twelve.

You say you passed them; after you had passed them did any thing happen?—Yes.

What?—About ten of them with pikes followed us, and as we were turning off the course they stopped us.

When you say they stopped you, in what manner did they stop you?—They brought their pikes to a charge, and charged upon us.

Had you any conversation with them?—Yes.

Did you afterwards pass on to your own house?—Yes.

Did you go into your house?—Yes.

Percival with you?—Yes.

Did you come out again afterwards?—Yes.

Without going into detail, did you afterwards see the same men near your house?—I believe them to be the same men.

Did you see men with arms?—Yes.

About the same number?—Yes.

Is there a shed projecting from your house?—Yes.

Did they come under that?—Yes.

Were they loose or in line?—They were loose when they came up, but they formed under the piazzas in line.

You have told us it was about twelve o'clock when you saw them, what time did they leave the forest, or rather your house?—About two.

You did not see them after two?—No, I did not see them after about twelve.

Did you hear them?—Oh, yes.

When did you cease to hear them?—About two.

Did they leave any thing when they went away?—Yes.

What was it?—They left a pole.

Was there anything at the end of it?—No.

During the time they were under the shed were you in the house?—Yes.

Did they knock at the door?—Yes.

Did they demand any thing?—Yes.

What?—They asked me if I had not got some fire-arms. I told them, yes. They told me I must deliver them up to them. I told them I would not. They said if I would not they should be under the necessity of taking them.

Were you inside the door?—Yes.

On your refusing them, what did they say?

Mr. Denman.—My lord, I must object to this. Although it is competent to my learned friends to ask as to a general rising, I submit it is not competent to them to ask as to any particular expressions passing at that time, for it is impossible to say how those declarations may introduce facts, on hearsay; nor does it appear to me that those declarations bear on the question, as it affects this prisoner with respect to what was taking place at Pentridge and other parts of this county. It may be very proper to show that there were risings at different places at the same time, but I object to any thing further than general evidence upon that subject. It is quite impossible, on any principle whatever, to say that anything said by these unknown persons (as to whom there is only a presumption that they had any connexion with the prisoner) when they came to storm the house of this witness can be evidence. Supposing they came to rob the house of the witness, is the prisoner to be affected by the attack on his money, his property, or whatever it might be? Are we to hear what they said in advancement of such an object?—is that to be received as evidence against Brandreth? I do

not know what the witness is to prove, but I put that as an instance to show how many irrelevant and improper matters may be offered in evidence before the jury, which could have no possible effect in carrying the case further than the general evidence of the rising could carry it, and which might introduce a great variety of circumstances not properly proved, nor capable of being proved, and very likely in no degree connected with the prisoner, but which might greatly prejudice the prisoner in the minds of the jury. I submit, that beyond that general evidence nothing said by these parties to this man, at a distance of ten miles from that point to which the prisoner is brought, can possibly be given in evidence.

Mr. Attorney General.—I humbly submit to your lordships that these facts proved by the witness to have happened on Nottingham Forest are evidence. Then comes the question, how far anything said by the persons so assembled on Nottingham Forest can be evidence? Now, my lords, this is a question which, like all other questions of the admissibility of evidence, can neither be supported on the one side nor rejected on the other, by the mere statement of a general principle. Whether what one man or ten men may have said at the distance of ten miles from the place where the person who is upon trial happened to be at the time, may or may not be evidence, must depend upon the particular facts of the particular case; and must also depend upon whether that which is attempted to be proved to have been said, was, in truth and in fact, part of the criminal transaction itself, and not a separate and distinct declaration, uttered at a distant place and a different time, and attempted to be introduced for the purpose of prejudicing the cause of the prisoner. My learned friend has not said that this is done for the purpose of prejudicing the present prisoner, but my learned friend, Mr. Denman, says, it may happen to prejudice the particular person on trial.

It does not follow that because some things which have been said at the time anything was done are relevant, that irrelevant matters, as Mr. Denman puts it, are to be introduced: whenever the evidence becomes irrelevant your lordships will exclude it; but the question is, whether that which was said at the time, and which accompanied the acts of these parties, be or be not relevant.

Now, my lords, let us see how this case stands: of course I must beg the question, that everything proved by the witnesses at present is well proved, in order to argue how far this is admissible. The charge against the prisoner is, that he conspired with certain other persons named, and certain other persons not named; and, in consequence of that conspiracy, levied war. A part of the case, as proved against the prisoner is, that he, together with certain individuals with whom he was personally present at a certain place in the county of Derby, were setting out upon their march to join other persons in

the county of Nottingham, for the purpose of furthering and carrying on the traitorous purpose which we allege they all had entertained. My lords, is it not open to us to prove these facts, in confirmation of the acts which they did in the county of Derby?—in confirmation of the declarations which the prisoner made in the county of Derby?—Is it irrelevant in the first place to prove, that that which they stated to be their object was the true object, namely, the effecting a junction with certain persons whom they expected to find collected together at the Forest of Nottingham?—Is it a relevant or an irrelevant fact that, shortly previous to the hour at which they might be expected to arrive there, there were persons collected together at the Forest of Nottingham; and under circumstances similar to those of the persons who were about to join them, a certain number being collected together in the county of Derby, armed with guns and pikes, and a certain number collected near the Forest of Nottingham, armed with pikes? Is it no material fact that those persons, so collected together with pikes, had an object similar to that of those who were collected together in the county of Derby? And how are men's objects, who are collected together, to be ascertained, but by that which they state at the time to be their object?

If we were asking whether those men in the Forest of Nottingham had stated any circumstances happening at some other time, as a matter of mere narration, there might be something in the objection; but it will be recollected that the prisoner had declared that he was going to join men on Nottingham Forest; and the fact that they knocked at Mr. Roper's door is not objected to, then for what did they knock at Mr. Roper's door? That can be proved only by what passed at the time they knocked at the door—by the declaration accompanying it; and, therefore, unless my learned friends can argue (which I defy any lawyer to do), that the going to Roper's house, and the knocking at his door, is not an admissible fact in this case, neither can my learned friends object to our saying to Mr. Roper,—When they did surround your house, and when they did knock at the door, what did they tell you they wanted?

Thus it is impossible to separate the two. It is independent of the declarations of persons at other times irrelevant to the matter in issue; that which a man asks for, when he knocks at my door, is as much an integral part of the whole transaction as the act of knocking at my door. You cannot separate the avowed declaration from the act, though it refers to that which is done at a different place, when there is a fair ground laid by evidence to affect the prisoner with the common object. Such evidence has been admitted in all times, and in a case of great importance (I mean lord George Gordon's trial; if I speak erroneously I shall be happy to be corrected), declarations of some of the persons concerned in the riots, and with whom lord George Gordon was charged to be connected, as to transactions in Scotland, were

given in evidence; the crown produced witnesses for the purpose of proving what had been done in Scotland with respect to Roman Catholic houses: and the Court admitted the evidence, because the persons charged were proved to have referred to what had been done in Scotland.* Now, how does that case differ from the present? The charge is, that the prisoner, with others, were levying war. It is proved that one of the means by which they were to effect their ultimate object was, to collect themselves together to march to Nottingham and Nottingham Forest, expecting to meet there another body of insurgents, who were to come there for similar objects. Then, if your lordships can admit evidence of the fact of persons being collected together at Nottingham, how can your lordships reject what those men said?

I ought to apologize to your lordships for taking up so much time; I will only say, we do not offer this as a distinct declaration, but as part of the *res gesta* on Nottingham Forest; and I submit that what they said to Mr. Roper, as to what they wanted when they knocked at Mr. Roper's door, is a material fact connected with the circumstance of their being assembled together with pikes at that hour of the night.

Mr. Denman.—My lords, my learned friend, Mr. Attorney General, has referred to one authority upon this subject, with respect to which it certainly does appear to me to be necessary, very materially to correct my learned friend's recollection, for I think if he had had an accurate recollection of what was given in evidence upon lord George Gordon's trial, he would not have asked how the cases differed, but have been extremely puzzled to find how they agreed. The imputation on lord George Gordon was, that he, at the head of a mob, was destroying the mass-houses in London, levying war against the king in opposition to the laws in favour of the papists, and that the motive by which he induced them to act was, by telling them what had been done in Scotland; that the mass-houses had been destroyed there; adding, at the same time,—“Gentlemen, no good was done at Edinburgh till the mass-houses were destroyed; let us persevere and be firm, and the same measure will produce the same beneficial result.” But had any thing been done in this case? Is it to be said that when this expectation was expressed at Pentridge of a rising near Nottingham there had been any rising near Nottingham, or that the specific measure which had been pointed out had been taken by those Nottingham insurgents? if those specific declarations had been referred to, and my learned friend had been able to prove by other evidence that they did pass, then the case would have resembled lord George Gordon's. Lord George Gordon referred to what had taken place as a

foundation of future mischief,—here, I submit, that there is nothing proved at Pentridge but an *expectation* of similar mischief at Nottingham Forest. I object not therefore to the fact that arms were demanded in the one place as they had been in the other, but when my learned friend wishes to go into the conversation between Mr. Roper and the ten or dozen people who came to demand pikes, those persons being unconnected except by a very slight presumption with the individual who stands before your lordships for trial, I conceive my learned friend is taking the chance of introducing every thing calculated to create an unjust prejudice against the prisoner; and when my learned friend says it is impossible this can be decided by the mere statement of a general principle, I humbly submit I am addressing a Court of law which will decide on general principles alone, and that one of the most important general principles which can come before a Court, perhaps the most important of all general principles, is, that no man shall be affected by evidence which he has no opportunity of contradicting, and that he shall not be affected by the hearsay of any person whatever, unless the particular declaration the person has made is precisely and specifically connected with the confederacy:—the evidence of confederacy I think may properly be laid before the Court, but in what manner and in what terms these people insisted on taking either pikes or anything else (for it may go any length, there is no possible irrelevant matter which may not be brought before the Court), unless we abandon all general principles, I am wholly at a loss to discover how this Court can inquire. My learned friend says, that when that general question is put, if any thing irrelevant should come out in answer to it, it may then be discarded by the Court;—I understood my learned friend to say, that when Mr. Sergeant Copley's question was put, if it introduced anything irrelevant that might then be discarded.

Mr. Attorney General.—No; the question I made was, whether this examination was or was not irrelevant.

Mr. Denman.—I rather supposed my learned friend to refer to what passed as to the case of Weightman, who was near at hand following with bullets the party who had passed; if he did not I will not observe upon that. But it is the *question* that I must object to; it would be too late to object to the *answer*; if the irrelevant matter does come out, it may produce the most hurtful and injurious effects upon the interests of this man now at the bar; it is to the question and not to the answer that the objection must be made, and therefore when a question is put as to something not relevant to the general object done by a set of men never shown to have been under the control of the prisoner, or in the least communication with him, I submit to your lordships that that inquiry cannot possibly be pursued; it may lead to evils of every description; it would be

* R. v. Lord George Gordon, Doug. 593; 21 How. St. Tr. 543.

too late after the answer was given to exclude it; all the prejudice would then be effected, and it would not be possible to efface it from the minds of the jury.

I apprehend, therefore, that my learned friend has not answered the objection which I took; and with respect to lord George Gordon's case, I conceive that nothing can be more clearly distinguishable from that case than the present.

Lord Chief Baron *Richards*.—I am of opinion that this evidence is most clearly admissible; the course of the evidence has been to shew what the object of the prisoner was; the prisoner himself, according to the evidence, gave encouragement to those who were about him, by pointing out that there were others in other places, and particularly upon Nottingham forest, who were ready to support them; he has, in fact, according to the evidence as it stands now, united them to himself and himself to them; and it seems to me that what passed on their part is as much evidence to affect him, as what passed in his own detachment. When it is once admitted that the acts done by those persons in Nottingham forest are to be received in evidence, I cannot conceive how it is possible to separate the declarations and the words of the persons who did those acts: for they are part of the transactions, and serve to shew the object of them; but I think it is also evidence on a principle quite different, namely that the prisoner has identified himself with those persons, and that he and they are as much part of the same body as he and the persons immediately accompanying him.

Mr. Justice *Dallas*.—I am of the same opinion. I have not been able to bring myself to entertain the slightest degree of doubt upon this subject. In all cases of this sort there are two separate and distinct questions to be considered: the first is the admissibility of evidence, and the second, the effect of it; with the latter we have not now any thing to do; our attention, therefore, is reduced and limited to the former, whether this evidence be or be not admissible. Now we must first consider what is the nature of the charge, because that will enable us to dispose of one part of the argument urged by Mr. Denman, which is, that no person ought or can be affected in a Court of justice by that which was said by another when he was not present. I apprehend that is in the present instance entirely a misapprehension of the general principle, for this is a charge founded in combination and conspiracy. I agree with Mr. Denman, that it is better to keep our eyes steadily fixed on principles which are the invariable lights by which we ought to be guided whenever we can, than to wander into the particular circumstances of individual cases, which would lead to endless controversy; and agreeing with him in this, it only remains to consider what is the general principle and result of all the cases applying to a charge of

this nature: it is this, that every thing said or done in the course of the conspiracy connected with or conducive to the end or object of that conspiracy, is evidence against each and all, whether absent or present; and be the party who he may, connected with the conspiracy, doing the act or making the declaration. It is not, therefore, a well-founded objection, in a charge of this sort, to a declaration made in the absence of a party, that it is in his absence.

Now what are the facts of this case, and has the prisoner himself said or done any thing that leads to rendering this evidence admissible? the charge in its nature is one of conspiracy; whether it existed or not, of course I do not presume to say, but the very nature of the plan, considering its nature generally, and the precise declaration of the party is, that a rising is to take place in different places about the same time, and the prisoner himself has expressly pointed to a rising of this sort which is to take place at Nottingham; it seems therefore to me that he has connected himself directly with any act done in that neighbourhood on the night in question, by referring, in the hearing of all those whom he had collected and assembled together, to that event which was to take place, and therefore I think the prisoner himself has made that evidence by declarations implying a previous knowledge of the event to take place there.

But I own that in another view of this subject I cannot conceive how this objection can for a moment be sustained. No objection is made to the act done: now I am unable to distinguish in the first instance between act and declaration, for an act done is no more evidence against an absent party, unless he be connected in some way with the party doing it, than a declaration uttered, and therefore the admission in proof of the act done can only proceed upon the supposition that the party doing the act is sufficiently connected with the prisoner to let in the proof of the act done. Then what becomes of the rule of law applicable in all cases? and here we must lose sight of the leading principle established if we do not receive the declaration of the party which qualifies the act at the time he is doing that act, and shows what is the nature of that act, and in this case it appears to me it is not to be considered merely as a declaration, but it is a demand of arms connected with the conspiracy, and with the declaration of those persons, that there would be armed persons in different parts of the country at the same time; therefore not wandering into cases (for I agree with the attorney-general that the rule will vary according to circumstances), but keeping my eye upon the general principle, as applicable to the facts of this case, I think this evidence is most clearly admissible.

Mr. Justice *Abbott*.—I most entirely agree with the lord chief baron and my brother Dallas for the reasons which have been so fully given, that I feel it unnecessary to add any.

Mr. Justice *Hobroyd*.—I am most clearly of the same opinion, and as I think no legal mind can be, after the reasons which have been given, unconvinced that this is evidence, it appears to me unnecessary to give further reasons for its admissibility.

Mr. Sergeant *Copley* (to Roper).—On your refusing the fire-arms, what was said outside?—They told me that if I refused they should be under the necessity of breaking the door open, and taking them by force.

What did you say or do upon that?—I told them that if they did, I would blow the first man's brains out that entered.

Was any thing said in answer to that?—Their reply was "will you?" I said "yes."

Upon your saying "yes," did they say or do any thing further?—A man called for the men with the fire-arms to come forward.

A man outside?—Yes.

Upon his calling for the men with the fire-arms to come forward, did you hear anything outside?—The piazzas were paved with flag-stones, and I heard a bustle there, and expected they were coming in.

Where was the bustle?—Under the piazzas, near my house.

Is your door under the piazzas?—Yes it is.

What did you do?—They did not make any attempt, but they came forward and asked me how many fire-arms I had.

They did not make any attempt at the door, you mean?—No.

What did you tell them?—I told them that I had two; that the one was a rifle piece and the other a fusée; they asked me if I would give them to them; I told them no; they asked me whether I would sell them to them; I told them no, I would neither sell them nor give them, nor part with them on any account; that they were my own property.

It was about two o'clock that they went away?—Yes.

William Roper cross-examined by
Mr. *Denman*.

What was the public-house you were at that night?—Dennis's, the duke of York.

There were several other persons there?—Yes, there were.

Was there a man there of the name of *Oliver*?—Not that I know of.

Were you at another public-house, kept by *Salmon*?—No.

Do you know a person of that name?—No, I do not.

* Concerning this person see the Debates in the two Houses of Parliament, 36 Hans. Parl. Deb. 1003 et seq; 1016; 1050 et seq; 1069; 1111 et seq; 1154 et seq; 1211 et seq; 1419 et seq; 37 Hans. Parl. Deb. 47 et seq; 98; 170 et seq; 338 et seq; 456 et seq; 528 et seq; 626; 667; 820 et seq; 886 et seq; 978 et seq.

Lancelot Rolleston, esq. sworn.—Examined by
Mr. *Reader*.

You, I believe, are an acting magistrate for the county of Nottingham?—I am.

In consequence of any alarm which had been excited did you attend at the town of Nottingham on the 9th of June last?—I did.

You live, I believe, at a little distance from Nottingham?—Yes.

In what state did you find the town at that time? tranquil or disturbed?—In a very agitated state.

Did you observe any marks of it in the town, groups of people collected, or any thing of that sort?—Yes.

Was there, at that time, a general agitation and apprehension in the town?—There was.

Did you proceed anywhere for the purpose of reconnoitring and observing whether there was anything to apprehend?—On the morning of Tuesday, the 10th, I went on the road towards Eastwood.

On horseback, I believe?—Yes.

What did you observe?—In the villages, within a mile of Eastwood, the people were very much alarmed; most of them out of their houses about a mile before I got to Eastwood.

Had there been any military collected in Nottingham for the protection of the town itself before you went out?—No, the military were in the barracks.

They had not then come into the town?—No.

Mr. *Reader*.—They are just out of the town, on the Derby-road. You proceeded, I believe?—I proceeded till I came within a quarter of a mile of Eastwood, where I met a considerable body of men armed with pikes; I returned to Nottingham and procured some troops from the barracks.

Of course you gave information there?—Yes.

Were the magistrates sitting there?—No, there were two magistrates, Mr. Mundy and Mr. Kirkby at the barracks.

What force did you procure?—There were eighteen privates, commanded by captain Philips, and a subaltern officer.

You proceeded with them towards Eastwood?—Yes; when we got as far as Kimberley, a village about four miles from Nottingham and about two miles short of Eastwood, the people told us that the mob, on hearing of the soldiers coming, had dispersed: we followed the rout they had taken, and found a quantity of arms, pikes, and guns, scattered about upon the road.

Did you continue to pursue?—I continued to pursue till within about half a mile of Eastwood, when I turned off on the left after a party that were endeavouring to escape.

Did you see a party yourself?—Yes, I saw a party myself, and turned off the road after them with one of the dragoons.

What did captain Philips and the rest of the

party do?—They proceeded on towards Eastwood, where the general body had gone.

About how many were the number you pursued?—They were a good deal scattered, there might be thirty or forty of them.

Did you see them dispersing?—Yes, and throwing away their arms.

Did you seize any of them or not?—Yes, we secured two or three, and then we turned towards Eastwood again.

Had they any arms?—No, they had no arms, they had thrown them away.

Do you remember the names of those you secured?—I do not at this moment.

Then you turned after the main body?—Yes, we came up to them just at Langley Mill.

How far is Langley Mill from Eastwood?—About half a quarter of a mile.

Mr. Justice *Abbott*.—You say “after the main body?” what do you mean by “the main body?”—Captain Philips and the main body went on the road, and I turned with one of the dragoons to the left, I then followed them; they were at that time all dispersed, and the dragoons were pursuing them in all directions.

Mr. *Reader*.—How many of them were apprehended?—There were thirty brought to Nottingham.

Do you remember whether the prisoner was one?—No, he was not.

What was done then?—I still continued the pursuit for a considerable time, and was at the taking of several more.

How many were apprehended in the whole?—I do not recollect the number.

Was a person of the name of Edward Moore one of those you apprehended?—I apprehended him myself.

Did you hear him say any thing?—Yes, I had a good deal of conversation with him.

What I mean is, did he say any thing to you about the purpose they had in view?—Yes, he wished me very much to let him go, which I refused.

Mr. *Reader*.—I do not pursue that my lord. After this, I believe, peace and quietness were restored in the town?—Yes.

Captain *Frederick Charles Philips* sworn.—
Examined by Mr. *Gurney*.

To what regiment do you belong?—The 15th Hussars.

On Monday, the 9th of June last, were you stationed with a detachment of your regiment in the town of Nottingham?—Yes, I was in Nottingham barracks.

In what state was the town of Nottingham throughout that day?—I did not observe any thing particular till towards the evening; towards the evening there was some bustle and disturbance in the streets; about ten o'clock there was a party of military sent for to the barracks.

Were the streets in their usual state, or

were there any extraordinary assemblages?—By the time the military got into the town, they had dispersed a good deal.

At any time in the course of the evening were there any extraordinary assemblages in the streets?—I was not down in the town myself till we were sent for; on the arrival of the military they dispersed.

Were you kept on the alert during the night?—We were.

Was it in consequence of alarms from information you had received?—It was.

At what time did you retire to rest?—As soon as day-break came, about half an hour after day-break.

Hoping all danger was over, you retired to rest?—There was a magistrate in the barracks, Mr. Kirkby.

How soon in the morning were you alarmed and called up?—About half past six.

Were you sent for by the mayor, or did you go to the mayor?—Mr. Mundy came up to the barracks with Mr. Rolleston; Mr. Rolleston had been out to reconnoitre, and on his return I was ordered out with a party.

What party did you take out with you on the road towards Derbyshire?—Eighteen men and a sergeant.

Did you go towards Eastwood?—I did.

In your way did you perceive any bodies of men?—About half a mile before we got to Eastwood, there were some men flying across some fields to the left of the road armed with pikes.

They were pursued?—We pursued them a short time and found they were too far off, and they got away.

Did you then pursue your course towards Eastwood?—Yes.

Did you find as you approached Eastwood any other body of men?—I did not observe any till we got to Eastwood.

I do not ask you what any person stated to you, but did you any where perceive any other body of men?—Between Langley Mill and Eastwood.

What number do you suppose?—About sixty.

Armed or unarmed?—Mostly armed; I cannot say that all of them were.

Upon yourself and the hussars approaching them, what did they attempt to do?—They fled between the fields; in the first instance there was a man on the road, who put his hand out as if he was trying to form them upon the road; but they paid no attention to him, but fled across the fields.

And you and your men pursued them, and took a number of prisoners?—Yes.

What became of their arms?—They were collected together.

What did they do with them?—They threw away their arms, except about five or six men, who were taken with the arms in their hands.

What arms were those that were taken in their hands?—I think most of them guns.

I believe when you arrived at Eastwood you

met the high sheriff of this county with the yeomanry in pursuit of the insurgents?—We did.

They had come from Alfreton and Pentridge in pursuit of them?—So I understood.

Captain *Frederick Charles Philips* cross-examined by Mr. *Denman*.

You did not see the prisoner?—No, I did not; he was not with the party then: I did not see him.

Did you see him at all that day?—No, I did not.

They were all flying before you came as I understand?—No, they were not; when I first came they were standing on the road, and there was one man who attempted to form them up in opposition to us.

You took him I suppose?—No, I did not; he might have been taken amongst the rest, but I could not keep my eye upon him; I tried to do it.

Captain *Frederick Charles Philips* re-examined by Mr. *Gurney*.

Whether he was one of those you took there you are not able to say, not being able to identify him?—No, I could not keep my eye upon him.

What number of muskets and guns and other arms were collected together?—About forty, I believe.

Mr. *Attorney General*.—This is the case for the crown.

DEFENCE.

Mr. *Cross*.—Gentlemen of the jury; although I have now for some years been accustomed to a public life in courts of justice, it has never before fallen to my lot to be counsel either for the prosecution or the prisoner in a case of high treason; and I confess, when I consider that circumstance, when I contemplate this singular and solemn array of public justice, when I perceive myself placed for the first time in a public situation in a county to which I have been hitherto an utter stranger, I cannot but feel a great deal of diffidence in the discharge of the duty to which at this moment I am called. But I cannot forget, that I stand up to day, to exercise one of the proudest privileges of a British subject, which privilege is one of the fruits of that blessed Revolution of 1688, to which my learned friend, the attorney-general, in his address to you has already alluded; for till that time, persons accused of high treason were forbidden by the law of England to make their defence before a jury by any lips but their own, and I therefore feel, that I am now placed here in a public situation of great trust and responsibility. I know that I have a right to urge the prisoner's defence in a firm, bold, and fearless manner. I know that their lordships will indulge me in discharging my duty to the prisoner without dismay, and without fear that I shall endanger

either my client or myself by any thing I may say in his defence. But if any persons here suppose that I have any intention to take advantage of this situation to hurl defiance against the ministers of the law or of the public affairs of the country, or that I have any intention of speaking but with awe and reverence of all the just objects of respect and veneration among us, they have much miscalculated the duty I owe to my client, to my country, and to myself.

Having said thus much, let me now call your attention to the nature of this important case, which the attorney-general of England has brought before you for decision. I do not rise to vindicate the atrocious outrages which you have heard of in the evidence. God forbid that I should ever think or speak of those outrages but as in the highest degree criminal, as well as disgraceful to all the parties concerned in them; but you have been rightly told by the attorney-general that you must not suffer any prejudices that may have hitherto swayed, or may now disturb your minds, respecting those outrages, to mislead you from the real question which you are here impanelled to try. You have been told that the question is not, whether the defendants in this indictment have acted culpably, not whether manslaughter, or burglary, or robbery have been committed, but, whether the transactions of the 9th of June constituted the crime of high treason.

I have stated that this is the first time it has fallen to my lot to be concerned in a trial for high treason, and I believe that with regard to this particular species of high treason, namely, levying war against the king, my case is not singular; for I think I may say, with the exception of but two or three of the formidable array of learned counsel who are opposed to us, none of them have had an opportunity either of taking a part in or of witnessing a trial for the offence which is imputed to the prisoner at the bar. I am not aware that during his present majesty's long and happy reign there has been one single instance of a trial *and conviction* for this offence of levying war against the king. Therefore, gentlemen, you will, I hope, excuse me, if on this novel occasion, and upon a subject with which we are all but imperfectly acquainted, I should take the liberty of trespassing upon your attention rather more in detail than is usual or requisite in ordinary cases, on the subject of the law of treason, the question being, whether the acts proved have been in violation of that law?

The attorney-general has stated to you, that it is treason and a levying of war against the king if numbers assemble together, and by force propose to effect some general object; that is the attorney-general's definition of the crime: I cannot, however, concur in his definition, and with all deference to that great officer, I must beg leave to controvert his doctrine, and to submit to their lordships' consideration and yours what I conceive to be the law upon this

subject. My learned friend has cited to you, in proof of his broad and sweeping definition, the authority of a most eminent and erudite judge, sir Michael Foster, who has written several learned discourses upon this and other subjects of criminal law; they are but discourses, however, written in his closet, and we shall see presently how far they are to rule or to guide the opinions of the judges in administering the law.

As Mr. Justice Foster's discourse has been cited to you, I also must beg leave to call your attention to the discourses of another most perspicuous and learned writer, I mean Mr. Justice Blackstone, who, in his Commentaries on the laws of England, treats of this crime; and expresses himself thus:—"As this is the highest civil crime which any man can possibly commit, it ought, therefore, to be the most precisely ascertained; for, if the crime of high treason be indeterminate, this alone is sufficient to make any government degenerate into arbitrary power: and yet, by the ancient common law, there was a great latitude left in the breasts of the judges to determine what was treason, or not so; whereby the creatures of tyrannical princes had opportunity to create abundance of constructive treasons; that is, to raise, by forced and arbitrary constructions, offences into the crime and punishment of treason, which never were suspected to be such."* Then he goes on,—“But, however, to prevent the inconveniences which began to arise in England from this multitude of constructive treasons, the statute 25 Edward 3rd was made, which defines what offences only, for the future, should be held to be treason. This statute must, therefore, be our text and guide,” says this learned writer, “in order to examine into the several species of high treason.”† Then, in another part of this discourse, he says,—“Thus careful was the legislature, in the reign of Edward 3rd, to specify and reduce to a certainty the vague notions of treason which had formerly prevailed in our courts; but the act does not stop here, but goes on—‘Because other like cases of treason may happen in time to come, which may not be thought of nor declared at present, it is accorded that, if any other cause supposed to be treason, which is not above specified, doth happen before any judge; the judge shall tarry without going to judgment of the treason, till the cause be shewed and declared before the king and his parliament whether it ought to be judged treason or other felony.’” Sir Matthew Hale—who, I may say without disparagement, was at least as eminent and able a writer upon this subject as sir Michael Foster, and is, indeed, to the present day, our oracle of criminal law—sir Matthew Hale, the chief justice of England in Charles the 2nd's time, is said, by Mr. Justice Blackstone, to be “very high in his encomiums on the great wisdom and care of parliament in

thus keeping judges within the proper bounds and limits of this act, by not suffering them to run out (upon their own opinions) into constructive treasons, though, in cases that seem to them to have a like parity of reason, but reserving them to the decision of parliament. This is a great security to the public, the judges, and even this sacred act itself; and leaves a weighty memento to judges to be careful and not over-hasty in letting in treasons by construction or interpretation, especially in new cases that have not been resolved and settled.” Then he proceeds thus;—“In consequence of this power, not indeed originally granted by the statute of Edward 3rd but constitutionally inherent in every subsequent parliament (which cannot be abridged of any rights by the act of a precedent one), the legislature was extremely liberal in declaring new treasons in the unfortunate reign of king Richard 2nd:” but mark, gentlemen, what was the consequence,—“and yet so little effect have over-violent laws to prevent any crime, that within two years afterwards that very prince was both deposed and murdered; and, in the first year of his successor's reign, an act was passed, reciting, that no man knew how he ought to behave himself, to do, speak, or say, for doubt of such pains of treason; and, therefore, it was accorded, that in no time to come, any treason be judged otherwise than was ordained by the statute of king Edward 3rd.” “But afterwards, during the reign of Henry 4th, and queen Mary, and particularly in the bloody reign of Henry 8th the spirit of inventing new and strange treasons was revived.”* And he here gives instances of it, and amongst others, he states, that assembling riotously to the number of twelve, and not dispersing upon proclamation, was one amongst the *new-fangled treasons* of that reign which were totally abrogated in the reign of queen Mary, the immediate successor of Edward 6th.

These few observations of Mr. Justice Blackstone will induce you to feel how important a thing it is for the interests of the present generation of Englishmen, and all their posterity, that this blessed statute of Edward 3rd should not be extended one particle beyond the limits to which the wisdom of the legislature has thought fit to confine it.

And now, gentlemen, permit me to call your attention to the act itself. You will recollect, that it is now nearly five hundred years since Edward 3rd died: the act was passed in the 25th year of his reign, and in the year 1350. It is intituled “A Declaration what offences shall be adjudged Treason,” and it recites “that whereas divers opinions have been before this time, in what case treason shall be said, and in what not, and that the king at the request of the lords and of the commons, hath made the declaration following, that is to say, when a man doth compass or imagine the death of our lord the king,” that is not the

* 4 Comm. 75.

† 4 Comm. 76.

* 4 Comm. 85, 86.

subject of the present trial, "or if a man do levy war against our lord the king in his realm," that shall be high treason. Such, gentlemen, is the law of England at this day, such is the law to which the whole of this inquiry is to be referred, and the substantial question now before you for consideration is, whether the outrages of the 9th of June amounted to a levying of war against the king, or to offences of less malignity; whether they did or not, my lord chief justice Hale, to whose authority I have taken leave already to refer, states broadly, that it is a question of fact, under all the circumstances, for the consideration of the jury: that I conceive to be at present the law of England, and if the learned judges tell you that this statute of Edward 3rd is the law, then arises your duty to say, whether the facts given in evidence amount to a levying of war against the king?

It is also necessary that I should take the liberty of reminding you of the history of the proceedings of the government in cases of high treason in a few instances since the passing of that act. One of the new treasons that were created in order to extend the law, was the statute I have already mentioned, which was passed in the third and fourth years of the reign of Edward 6th that was in the year 1549, and as long as two centuries after the passing of the statute of Edward 3rd) and is one of those which Mr. Justice Blackstone has designated under the term, "newfangled-treasons." The words of the act are these, "It shall be high treason for twelve persons or above, being assembled together, to attempt to kill or imprison any of the king's council or to alter any laws, and to continue together by the space of an hour, being commanded by a justice of peace, mayor, sheriff &c. to return." So that two hundred years after the passing of the statute of Edward 3rd a new act of parliament was made to extend the law of treason to cases of tumultuous assemblies by force and arms endeavouring to alter the laws, but not till the persons so assembled, armed, and preparing to overturn the laws of the country should set the caution of the magistracy and the proclamation in the king's name at defiance for a full hour, then, and not till then, was this dreadful crime of treason deemed by the law of Edward 6th to be fully consummated.

But, after the short reign of Edward 6th and in the reign of his successor queen Mary, that statute was deemed too severe, and was repealed; a new law was made, which enacted pretty nearly in the same words as those of the former statute which I have just now read to you, "that if any persons to the number of twelve or above, being assembled together shall intend, go about to practice, or put in use, with force of arms, unlawfully and of their own authority, to change any laws made for religion or for authority of parliament or any other laws of the realm, the same number of twelve and above, being commanded by the sheriff or a justice of the peace, to go quietly

home, and remaining obstinate for an hour" (shall that be high treason? no!) it shall be felony: so that here you find in the reign of queen Mary—which has been truly called a bloody reign—even in that reign the assembling of multitudes of people under arms to change the laws, was only the crime of felony. And that statute at the commencement of the reign of queen Elizabeth, which immediately followed was re-enacted to continue for the life of that sovereign, and accordingly during the whole of the long reign of queen Elizabeth, which brings us down to the year 1603, the law of England upon these subjects was this, that if a multitude of people assembled together by force of arms, intending to alter the laws of the land, and remained so assembled an hour after proclamation, it was felony.

That law, however, then expired, but the statute of Edward 3rd, was still in full life and vigour, and the doctrine of constructive treason and constructive levying of war supplied the place of a Riot Act during the whole of the seventeenth century, and until the accession of the house of Brunswick in the year 1714, when the Riot act now in force was passed; and we have heard much, I must say in this place, that tends to bring into life and activity a doctrine which I had thought from that period for ever exploded.

Sir Matthew Hale traces the origin of that doctrine in his learned treatise on the Law of Treason, to the reign of Henry 8th, the most ferocious and bloody tyrant that ever disgraced the throne of England; but that was two hundred years after the passing of the statute of king Edward—then it was for the first time discovered by some ingenious lawyer that a riot, such as that described in the statutes of king Edward 6th and queen Mary, though not an actual war yet a constructive war against the king, and that juries had nothing to do with the question whether it was war or not, but were only to consider whether the facts were committed, and then the Court would tell them whether though it was not an actual it was a constructive war. Perhaps I did not clearly understand the attorney-general—and no wonder when he was obliged to call in aid that exploded doctrine, that his perspicuous mind fell into some degree of confusion and obscurity—but if I understood the end and effect of what my learned friend said, and particularly in the conclusion of his address, it was little more than this—if you are satisfied the prisoner is the man who was called the Captain in these transactions, it is impossible you can acquit him: so that he left little more for your consideration than the simple question of the identity of the prisoner at the bar.

This makes it necessary for me to call your attention to the distinction between questions of law and of fact. Suppose you had to try the question, whether I have a right to address you in this place; that is a question of law which the statute of king William would determine in my favour. But if the question put

to you were this, does the person standing before you now stand upon his head or his feet? that is a pure question of fact, which I believe you could very well decide without the assistance of the king's attorney-general, and you would not be a little surprised if in that case he should get up and say—"Gentlemen of the jury, upon this question I beg leave to remind you that it has been always held if a man stand upon his feet and lean a few degrees to the right or the left it is a *constructive* standing upon the head, and therefore you have only to consider whether he is inclined to the right or the left, for that has always been held in construction of law to be a standing upon the head." Gentlemen, you would be staggered very much before you could be overcome by such doctrine as that after the oaths you have taken, and would feel it your duty to exercise your own judgment and understandings, as I trust you will in the present case, which sir Matthew Hale teaches us is a question of fact for the jury. I therefore repeat, that the substantial question for your consideration is, whether, according to your own judgments, experience and knowledge of human affairs, combined with the particular transactions under consideration, these unfortunate persons did or did not in plain fact levy war against the king?

Now, permit me to inquire, what is a levying of war? Indeed the attorney-general has said, if this be not levying of war, tell me what is. I answer the challenge, and I will tell my learned friend what is a levying of war. It is a singular coincidence, that in the year 1745 a rebel army, in the name of a foreign prince, the Pretender to the throne of these realms, marched into this town, and here their enterprise terminated. Their march was intercepted, and they retreated in confusion: and here we are now, for the first time since that event, after the lapse of more than seventy years, trying the question, whether war has again been levied against the king. I should not have said *trying for the first time*: but there has been no *conviction*—there has been no civil war found by a jury to have been waged within the realm since that remarkable period of our history, of which you have no doubt all read, and of which you may have heard by tradition from your ancestors who were present in this town when the standard of rebellion was reared within it.

That, gentlemen, was a levying of war; there was a foreign prince set up in opposition to the king: the avowed object of the war was the deposition of the king: thousands of disciplined soldiers were embattled and embodied, with every means and implement of regular war, even usurping the collection of the public revenue, making a progress from Scotland here to Derby—that was actual levying of war against the king, and the persons taken in that rebellion were brought to trial under this statute of Edward 3rd, and were, as you may well suppose, condemned for their treason.

Having now stated what is a levying of war, permit me to state what is not levying of war.—It is not levying war to strike any of the king's subjects, although if you bring the offender to trial, the indictment will charge that he did the act "against the peace of our lord the king, his crown, and dignity;" that language would not make it treason. A common riot is not treason; but it is said that by construction all riots that have a public object are treason—that an attempt by force and violence to alter the law is treason. Doctrine of this sort is infinitely more dangerous than acts of parliament, however far they may extend the law of treason. A man knows not when he is safe, if a few lines of doctrine, written by a lawyer, however learned, in his closet, shall have all the force and effect of an act sanctioned by the king, lords, and commons in parliament assembled.

A riot, made a capital felony by the existing Riot act, which I will by and by read to you, is not treason. Then let us consider whether all the provisions of that act, passed on the accession of his present majesty's family, in the year 1714 (the statute of 1 George 1st) are not intended for the case now before you. The statute which, as I have already taken leave to remind you, was passed after an intermission in the statute law, from the year 1603, during which constructive levying of war was so much in vogue, was obviously modelled upon the statute of riots which subsisted during the whole of the reign of queen Elizabeth. The legislature, meaning I conceive to put an end to those constructive treasons at once, made this statute, which should clearly define the distinction between an actual and a constructive levying of war; that is, between treason and riot. This act is intitled "An act for preventing tumults, and riotous assemblies and for the more speedy and effectual punishing the rioters." It recites that "whereas of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his majesty's person and government, and the same are yet continued and fomented by persons disaffected to his majesty, presuming so to do, for that the punishments provided by the laws now in being are not adequate to such heinous offences;" not adequate? why, according to the doctrine of constructive levying of war, the law was perfectly adequate, for it was high treason already, "and by such rioters his majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of his people from his majesty." Why, gentlemen, if the parliament were sitting at this day, and contemplating the transactions which you have heard given in evidence, could anything be said or conceived more appropriate to then?

This matter is so important, that, with your leave, I will read it once more: "An act for preventing tumults and riotous assemblies, and

for the more speedy and effectual punishing the rioters. Whereas of late many rebellious riots and tumults have been in various parts of this kingdom, to the disturbance of the public peace, and the endangering of his majesty's person and government, and the same are yet continued and fomented by persons disaffected to his majesty, presuming so to do for that the punishment provided by the laws now in being are not adequate to such heinous offences, and by such rioters his majesty and his administration have been most maliciously and falsely traduced, with intent to raise divisions, and to alienate the affections of the people." What is enacted?—That these crimes should be high treason?—No, "that if any persons, to the number of twelve, or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, and being required by any one or more justice or justices of the peace, or by the sheriff of the county, or by the mayor &c. of any city &c., by proclamation to be made in the king's name, in the form prescribed by that act, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve, or more, after such proclamation made, unlawfully, riotously, and tumultuously remain, or continue together, by the space of one hour after such command and proclamation, that then such continuing together shall be adjudged felony, without benefit of clergy." So then you see that if persons riotously assemble, they are not deemed guilty of the crime of felony; their lives are not forfeited to the offended laws of their country, unless they have a solemn warning from the magistracy of the dangerous consequences of the act they are committing.—This is what I conceive to be the law of England, as applicable to the matter under your consideration.

I have stated that since the rebellion in 1745, no conviction by a jury has, to my knowledge, taken place for this offence, and I may therefore say that no civil war has been levied in this kingdom since that time. This I know, that there have been two unsuccessful attempts to revive the doctrine of constructive war within the last 80 years: one was the case which has been alluded to this morning of the riots in the year 1780, at the head of which was lord George Gordon, whose name you have heard of to-day. Many of you may be old enough to remember, that upon that occasion the outrages of the multitude assembled in the metropolis were so extensive, and continued for so many days, that the government of the country seemed absolutely suspended and subdued, and it was not, I think, till the expiration of nearly a fortnight that the law could take its ordinary course; thousands and tens of thousands of people armed, some in one way some in another, in the presence of the sovereign, surrounded both Houses of Parliament, and committed every species of outrage against the persons and the property of

his majesty's subjects; the leader of that day, a man of violent and frantic disposition, was brought before a jury of the county of middlesex, as this wretched man is brought before you: he was a person of high rank, the son of a noble duke; he had command of considerable property; and with all his wildness was of no inconsiderable talents; he was brought before a jury on a charge of treason, in levying war against the king, and that jury decided, after a long and attentive trial, that he was not guilty. There being no military force, no avowed purpose of deposing the king, nor intent even imputed, however atrocious and desperate the acts of that misguided multitude were, it was held that they did not amount to a levying war against the king. The attorney-general, I observe, looks with a considerable degree of surprize at this statement. I hope I have not mis-stated any thing. I ought not, perhaps, to say that it was held not to be a levying of war, but it was *not held to be a levying of war*, and no other person concerned was tried for that offence. The attorney-general of that day found it would not do; that this doctrine of constructive treason, to use the phrase of the country, *would not work*, and so he gave it up, and the rest of the offenders were tried for riots, or for other offences committed during those disturbances. That was the first case after the riot act of 1714, and after an interval of more than sixty years.

The second case I have alluded to occurred a few months ago, when you all well know there was a prosecution exactly similar to the present against some of the persons concerned in those dreadful riots of the last winter in London.² A jury was selected with all possible care for that trial, the Court sat for eight days hearing all the facts and circumstances detailed, and I believe that jury were told something about this constructive treason, but the question considered there was this, whether, however atrocious, however wicked and disgraceful the acts that were done by those parties were, they had made war against the king! The jury were of opinion they had not nor intended it as imputed by the indictment, and the party accused was acquitted. These are the only instances since the year 1714, in which any very public attempt has been made to convict persons. I do not (and I beg I may be distinctly understood as not intending to) insinuate the least particle of blame against any person concerned in that prosecution, either the one way or the other, but all the support that I mean to derive from that trial is, that it was not a case of levying of war against the statute of king Edward the 3rd; that is the only observation or remark that I think it necessary to make, or shall make upon that trial.

I have now, I hope, cleared the way to a distinct understanding of the rules of law on which your verdict is to be founded. Yet the

* R. v. Watson *anté* p. 1.

attorney-general, in his address to you,—not indeed through any weakness of his own, I know too well his great powers, where he has fit materials to work upon, but from the obvious weakness of his case,—could not put the question to you manfully, whether these parties had levied war against the king, but launched his cause with a piece of doctrine from a discourse which he stated to you to be the law of England. We will now consider, gentlemen, whether the facts in this case, do amount to a riot within the meaning of the riot act, or amount to high treason and a levying of war against the king; for in order to bring the case within the statute of Edward 3rd, it must be a levying of war, and it must be against the king, or it is not a levying of war within that statute.

Having thus stated to you the law, as I humbly conceive it, I must now take leave to call your attention to the charges in this indictment against the five and thirty persons who are here for trial. But first permit me to remind you, that the attorney-general has fairly stated, that if you find that in the progress of these outrages, any distinct insulated crime of any nature, has been committed, you ought not to suffer your judgment to be prejudiced by such crime. But still we all know, and we all must feel, how extremely difficult it is to separate the consideration of the question for trial, from the personal conduct of the man who is placed before you; and, therefore, I beg leave to repeat, that you are to try the question for which you are at present impanelled, as if it were the case of any other of the individuals engaged in the imputed conspiracy, and to consider whether the five and thirty miserable paupers, who have been arraigned here, did levy war against the king; that is the great question to be tried. What this man did, and various incidental matters which occurred, are shocking to one's feelings, I shall say nothing about them, for they form no part of the subject matter for inquiry, and should therefore be dismissed from your consideration.

Let us see then, what are the relative acts and declarations proved. But first I should state what is the indictment; the first count charges that these persons did levy war against the king, that is contrary to the statute of king Edward, and the overt act is, that they were arrayed and armed in a warlike manner, and did march in a hostile manner, and did attempt and endeavour to subvert and destroy the government and constitution of the realm, as by law established. The second and third counts are framed upon a statute of the present king's reign, which is a temporary act, as you have already heard, and is only to continue during the life time of his present majesty, and till the next session of parliament afterwards;* by virtue of that act, it is charged in the second count, that the prisoner did invent, devise, and intend, to deprive and depose the king from his style, honour, and kingly name of the im-

perial crown of this realm, and then it charges, that they did divers overt acts of which you have heard a great deal of evidence. The third count alleges that they did intend to levy war against the king, in order, by force and constraint, to compel him to change his measures and his councils. So that you see the first count charges an actual levying of war, against the statute of king Edward; the second charges an intention to depose the king; and the third is an intention to levy war against the king, for the purpose of compelling him to change his measures and his councils. Such is the indictment.—Now what are the facts adduced in evidence in support of it? But before I call your attention to the facts already proved, it may be right that I should remind you of the state of the country and the public mind at the time when these unhappy disturbances occurred, and of the causes which led to them. You will remember, we had just then attained to the close of a glorious and successful war of nearly five and twenty years continuance, when the long promised and expected fruits of peace were to come into immediate enjoyment; it pleased Providence, however, that we should have a most unfavourable season; the last year, you well know was a most unfortunate one, a season of scarcity combined with a deficiency of employment, so that our poor manufacturers had the misery to find all their expectations of increased trade and prosperity at once destroyed, and when they hoped to enjoy the fruits of peace, “instead of fruit chewed bitter ashes.”

The scarcity of food, and a general obstruction in the circulation of property, occasioned by a variety of causes which have been the subjects of much discussion and contention in other places, and to which I would not willingly allude, had combined to drive a vast number of honest and industrious manufacturers into a state bordering upon absolute famine. There were people in this country of far different dispositions from these miserable men, who did not lose the opportunity of instilling into their minds, and those of all the labouring classes, discontent against the government, and of persuading them that the sole cause of all their misery was the mismanagement of our public affairs, and the enormous weight of public taxes, and that the only remedy was a change of the constitution of the House of Commons. Accordingly they fell, you know, to petitioning the Prince Regent and the two Houses of Parliament; and although from day to day the act against tumultuous petitioning* was violated within the walls of the House of Commons, the tender commiseration of that House for their real sufferings prevented any person there from noticing such violation of the law. I may possibly be mistaken when I state this, as I perceive a learned member of that House, who appears not to approve of what I say; I may have

* Made perpetual by stat. 57 Geo. 3rd, c. 6.

* Stat. 13, Car. 2, c. 5.

fallen into a mistake, but it has appeared to me, and I saw with some surprise that petitions, signed by hundreds and thousands, were presented to the House of Commons for an alteration of the laws, contrary to the statute against tumultuous petitioning. Far be it from me to presume to blame that forbearance: the House of Commons, as well as the prince, I have no doubt felt the utmost anxiety to relieve, to the best of their ability, those distresses which it had pleased Providence to inflict upon us. But it was not in the power of the prince or the parliament to create one single bushel of wheat more than the ordinary course of the seasons may have produced for the sustenance of man. They could only do their best to distribute the food, which it had pleased Providence to send us, in due proportion amongst all the people. The petitioners were, however, by artful and insidious publications, excited to a very unbecoming feeling towards those from whom they had sought relief in vain; and, by one in particular, to which I cannot help alluding, and earnestly directing your attention, as one of the most malignant and diabolical publications that ever issued from the English press. It was addressed to the labouring classes in the midst of their distresses! It is entitled—"An Address to the Journeymen and Labourers of England, &c." I will not shock the ears of this Court with stating what I here find as an excitement to this insurrection, and out of which I am persuaded it almost entirely grew. This publication was scattered into the hands of every unhappy (idle for want of employment) and every destitute artisan; it teaches such things as I hope and trust may, by the exertions of the attorney-general of England, be prevented at least from repetition. But all this went on in the face of day; this wicked author publicly avowed what he was doing, and his success in carrying on the wholesale trade of sedition.* It was just on the commencement of the winter, in the month of November last, that that sanguinary publication first came forth; and, in the course of about a fortnight, it was followed up by another, which is styled—"An Address to the Luddites;" and it was there boasted—(I will read to you this writer's own words, and you will see, gentlemen, to what extent the minds of these unhappy and miserable people were acted upon; he has the impudence to put forth this advertisement)—"That he has reprinted" such and such matters, alluding to the one I have mentioned, "in a cheap form, price two-pence retail, and 12s. 6d. per hundred wholesale: any number may be had by application through the post, or otherwise to the publisher, No. 192, Strand, London." The attorney-general shall know where to find him;—"Parcels will be sent off by the coach to any part of the country upon a plain direction being

sent to the publisher. If any person take one thousand copies or more, regularly, the price then will be only 11s. a hundred. But in all cases the money must be paid to the publisher weekly; that is to say, the sale is to be for ready money, which is perfectly reasonable, seeing how low the price is, and that the retail must necessarily be for ready money. Friends to truth," friends to falsehood and misrepresentation he should have said, "who live near country towns will doubtless point out the means of obtaining this publication to some persons in such towns, whether booksellers or others; booksellers and reading-room keepers may, perhaps, be afraid of parsons and taxing people; but shoemakers and other shopkeepers may not be afraid of them, and the profit on three or four hundred a week is sufficient to support a small family.—N. B. Forty-four thousand copies of No. 18 have been printed and sold;" that is the detestable publication I have alluded to. Let the attorney-general of England look at these publications, and let me ask where was the attorney-general of that day? What were the magistracy of the country doing at that time?—Poor, miserable hawkers, wanting bread, were going up and down the country selling forty-four thousand of the most mischievous publications that were ever put into the hand of man, and the magistracy of the country looked on. I impute no blame to them on that account; this wicked and detestable wholesale and retail trade in sedition was so perfectly new, that the magistracy of the country did not know how to deal with it, and the mischief proceeded; the poor manufacturers were thus persuaded that all their miseries and distresses were owing to taxation, and that it was in the power of government and of his majesty's ministers to relieve those distresses at any hour if they only thought fit to do it: this they were taught; this they were suffered by the magistracy of the country to learn, and I am sorry to find they did learn it. At last, however, the attention of the secretary of state was called to these proceedings, and he thought it his duty (and such I conceive it was) to remind the magistracy of the country that there was no greater nuisance on earth than such detestable libels; and that a justice of the peace must not stand by till the assizes came round, but must abate the nuisance.† Lord Sidmouth taught that duty to the magistracy, and I hope in future they will observe it. But,

* See the Speech of sir William Garrow (Attorney General), upon this subject, 35 Hans. Parl. Deb. 621.

† See the "Circular Letter from Lord Viscount Sidmouth to his Majesty's Lieutenants of Counties in England and Wales," 36 Hans. Parl. Deb. 447; and the debates thereupon, 35 Hans. Parl. Deb. 1307, 1308; 36 Hans. Parl. Deb. 87, 106, 445, 531, 1158; 37 Hans. Parl. Deb. 1186; 38 Hans. Parl. Deb. 786, 1081. See also, *Butt v. Conant*, 1 Gow. 84; 1 Bro. & Bing. 548.

* See the Debate in the House of Commons, on a Petition from William Cobbett, 38 Hans. Parl. Deb. 661.

gentlemen, unfortunately it came too late. These unhappy men were without employment, and they had already been influenced by the powerful excitement of this seditious writer, who seems to have acquired an extraordinary facility in this way, and who writes in such a manner that it is not very easy for these poor illiterate persons either to refute or detect him. Such was the state of public feeling at the time when these outrages were committed, and such were the causes that led to them.

Now let us see what was the conduct of these parties.—The first transaction that the witnesses speak of, is that of Sunday the 8th of June: a witness of the name of Martin says, that he went to the public-house about ten o'clock in the morning and saw a few of these miserable paupers and politicians sitting talking about a revolution; what revolution he did not explain, whether that glorious revolution of which my learned friend and myself are both equally delighted to boast, does not appear—nor, perhaps, did they understand; but this we do know, that many of the most discontented and the most clamorous for reform have revolution from day to day in their mouths, yet really meaning nothing else but that sacred revolution of 1688, and meaning only to restore the constitution to the state in which it was, as they conceive, then settled; in which state, however, in my conscience and judgment, I believe it substantially now remains. “No good could be done without an overthrow of government,” that they had probably learned to say, and we are to consider what sort of an overthrow; whether they meant to turn out his majesty's ministers, or what their object was? Government is a very general and indefinite expression, applied to various purposes. It is not unusual in both Houses of Parliament for his majesty's ministers, who were formerly in more homely language called his majesty's servants, to be styled his majesty's government, and almost daily, during the sitting of parliament, we hear and read that expression so applied. Well then, there they held this conversation, as you find by the testimony of that witness, among persons to the number of about, sometimes, half a dozen and sometimes as many as twenty in the room; two constables went into the room where these men were sitting over their drink, and admonished them that they had better not talk in that foolish way, meaning no doubt that they did not understand what they said; “why what have you to do with this matter? we will put you up the chimney if you talk;” that was not like lerying war against the king, though he was the king's constable, but still the constable stayed. Why did you stay, did they make no secret of this? no, no secret at all—any body who came into this public-house might hear this foul treason proclaimed, notice might have been given to the magistracy before one of these miserable beings had provided himself with a single weapon to set the law of the land at defiance: the constable, you remember, was

in a dilemma; they had no fear of its being told—then how came you not to go and tell? why they threatened me if I told. Can you believe, gentlemen, if men were in their senses, that they should sit in a public-house, give an invitation to the constable to come and hear what they were talking about, which was no less a thing (they would have you to believe) than to subdue his majesty and his whole army by seven drunken paupers at an ale-house without a weapon, for that was all that was exhibited on the Sunday? that is the evidence of the first witness, Martin.

Then you had a witness of the name of Asbury, who stated to you that they said they must turn out; you recollect he tried to repeat some lines, a lesson they had all been taught and had got by heart. The attorney-general has said, “I do not care what their object was if they intended to overturn the government;” but, gentlemen, their object is of the last importance, and let us hear what they were to fight for, for bread! that is what they proposed to fight for; that the government must be opposed, they have stated to you was part of the words of this poetry as it is called, but poetry is proverbially fiction—it was part of the poetry that they were to oppose the government.

So ends the evidence of the conspiracy hitherto; was that which passed at the time of that meeting, which is one of the overt acts of the indictment,—was that transaction at the ale-house a conspiracy to make war against the king? our beloved sovereign was never mentioned in the whole of this foolish conversation. “Oh, but” I suppose Mr. Solicitor General will tell you by and by, as he is making an observation upon that in his notes, “Oh, they kept that in the back ground, they had much deeper objects than they avowed;” it was odd then that they should sit in an ale-house at noon day, on a Sunday, with constables and others round them, and that they should be foolish enough to avow that part of their design and to conceal the other.

The next piece of evidence is that which relates to the transactions of the 9th, for the attorney-general has said the plot was formed on the Sunday and it was executed on the Monday. James Shipman, speaking of meeting the captain, as he has been called, says—I asked him what they were to do for provisions when they got to Nottingham; Oh, he said, there would be bread, and beef, and rum, and every thing. Well, says I, provisions for yourself, but what is to become of the poor women whom you leave behind? Oh, a provisional government will be sent down to relieve the wives and children. So that you see these hungry paupers wanted a provisional government to supply them with food, that was what they conceived; for you see it is in answer to the question that is put where they are to get provisions for their wives and children, a provisional government is to come down from London, and then roast-beef and ale will be in plenty, that was their idea of the alteration:

they proposed of the government. After that little conversation, an old woman tapped him on the shoulder, and she said—there is a magistrate here; “Oh,” says the captain, “you will have another magistrate soon who will give you something to eat;” and then says the witness, the man conducted himself so foolishly that I thought he must be either drunk or mad. So I think will you, gentlemen, or deluded and imposed upon most grossly, if he could for a moment expect that any direct outrage could have the effect of producing benefit.

Thomas Turner stated a great many things, and told you how the army was collected: he saw three men with guns on Monday night; that was the beginning of the army, the first regiment that took the ground consisted of three men with guns: at Hunt’s Barn they collected, and accumulated their numbers to the enormous amount of sixty or seventy. They called at a public-house, and had some refreshment, and the captain told them, having called for his bill, which amounted to eight and twenty shillings, “Well, I will take care you shall be paid,” and all was settled between the parties with perfect amity. They marched on two or three miles and then this army began to drop off; that is the account he gives of the war.

The next witness is a man of the name of Tomlinson; he spoke of what they had said respecting a cloud that was coming from the North, that was to sweep all before it; not such a cloud as came down to Derby in the year 1745—not an army in battle array—but a swarm of hungry and unemployed mechanics clamouring for food; that was the cloud that was to come from the North.

Elijah Hall gave you an account of what passed at his house: any thing about deposing the king?—hurting him from his throne, his royal state, and the dignity of this imperial realm?—No—oh no, they said they wanted a bigger loaf, and altered times. Is that making war against the king? They wanted a bigger loaf, and altered times; and it was their intention to wipe off the national debt; this was the conduct of these miserable paupers at that time.

Then what account does Elijah Hall, the younger, give you of it, and of their intentions?—He does not seem to know much more what they were about than the mob themselves, but he heard some of the mob say, they were going to pull down the parliament house, and amend the laws. I suppose they talked about a reform in parliament, and he, not understanding what they meant, imagined it was pulling down the parliament house; but whether they had an intention of pulling down the parliament house or not—whether they had in their minds a reform in parliament, which I have no doubt they had, is not very material to the present question.

Then this morning, after hearing a few other witnesses, a person of the name of William Shipman was called. The only warlike occur-

rence that he witnessed was, that several guns were attempted to be fired as a signal, without effect; so that they had not skill enough to fire a gun, till at last the captain came forward, and he had skill and dexterity enough to fire off his—that great achievement was at last with difficulty effected.

Henry Hole says, that they told him he should have roast beef and ale if he went to Nottingham, and that persons should be appointed to take care of their families, I suppose this provisional government who were to feed them, and that they stated that they were starving, and that it was the last shift they could ever make.

Then another and a very important witness of their proceedings, of the name of Goodwin, was called before you, to whose evidence I beg your particular attention. He saw this party in battle array; they amounted to about a hundred, and, says he, they were marching two deep, lock step: for in order to magnify this into war, you perceive the anxiety with which the lock step was introduced—they marched up to Mr. Goodwin, and he began to lecture them immediately about peace and quietness: did they commit any outrage? none whatever—he endeavoured to persuade one of them to give up this foolish pursuit and stay at home; he did not succeed with that particular individual, but after holding this conversation with their captain about violating the laws, and being hanged, the captain did not molest him, but turned to the right and left and marched off, suffering two or three of their ranks to file off and retire into the premises of Mr. Goodwin.

But to make war there must be not only men, but the means of war, and yesterday they produced to you three or four pikes and a bag of bullets—their case was summed up with that, for when they had produced that stock of ammunition there was an end to all their warfare: however they marched on in the road to Nottingham—yes, and even the ammunition was taken from them; the good fellow gave it up as tamely as the rest of his associates had marched off on receiving the denial at the Butterley works.

A worthy magistrate saw them on the road; he went to call in the king’s army to oppose them; when he came back with eighteen dragoons he was quite disappointed, the enemy had fled, they had all melted away and left their arms on the field of battle, except, says he, that I saw a company of thirty, whom with one dragoon I pursued and took several into custody.

There ends the history of the war against the great king of England, in the year of our Lord 1817—awar against whom? the mightiest monarch on the face of the earth; a monarch at the head of a constitution and government which in this world never had its equal, whose hand is strengthened by the law as well as by the sword, who is supported by both Houses of Parliament, in every act which has been ad-

vised or pursued for many years past; the commander of a numerous and invincible army, under the bravest and most illustrious general of the age, against whom this pauper captain is said to have made war to dethrone the king, a captain who did not even face a single dragoon, but who with the rest of his troops vanished and melted away in a few hours like a heap of snow, no resistance being made against any persons in authority; a magistrate went to meet them, but before he could pull the riot act out of his pocket to give them warning of their danger, they disappeared. If they had waited to hear the riot act you would never have heard of this prosecution for high treason, if the magistrate had read the proclamation in the terms the law has ordained, "Our Sovereign Lord the king chargeth and commandeth all persons being assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains of the act made in the first year of king George, for preventing tumults and riotous assemblages," and if they had remained together for an hour after this notice, their lives would have been forfeited: but this law has, you see, provided that a misguided British subject, who runs his head against a stone wall, shall have the benefit of a warning, before his life is forfeited to the laws of his country. But how was this? it was just like sending for a doctor and saying you must make haste or the patient will be well before you arrive; for though the magistrate went in all haste to fetch in the military, he could not find work for more than one dragoon and himself. The king's army, consisting of one dragoon put them all to rout; but, another thing would have routed them much sooner—a round of beef and a few barrels of ale; for if Mr. Goodwin, that good-humoured gentleman who warned them of their danger, had set before them this long-wished round of beef and big loaf, as they call it, the military would have had nothing to do—the justice would not have had, as he has not had yet, an opportunity of reading the proclamation and the riot act.

These are the circumstances; I have taken leave to state to you the law as I understand it, and you are now, perhaps, in a condition to judge for yourselves, and to say upon your oaths, whether this was a war against the king of England, for the purpose of hurling him from his throne, or was one of those heedless and mad riots which have been often excited by hunger in all countries, and in all ages. You find it was the case in the reign of queen Mary, when it was made felony with a caution from the justices; and you see, that even in that age, as in this, when people are hungry—when food is scarce—when there is a famine in the land, disturbances will break out. Those who have food from day to day from the cradle to the grave, can have no conception of the emotions of a fellow creature with a famished family about him—with a wife and children wanting food; we can have no adequate con-

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ception of these things; but, alas! these five and thirty wretched creatures could feel them: the law has provided for the case of poor illiterate people occasionally driven to despair by famine, and has said, that when that happens they shall have the benefit of a notice by proclamation from a justice of the peace, before their lives shall be forfeited: but these men had not the benefit of that notice, for they dispersed without it, so that although this was a riot undoubtedly of great enormity, yet I trust you will feel that it was still but a riot. I suspect that the attorney-general is fully aware of that; I cannot help suspecting that if you shall be of opinion, as I trust you will, that this was not war, but riot, the attorney-general has his indictments ready for the grand jury; and it is open to him still to take that course, though I should humbly hope, in mercy to these misguided men, he may consider their long imprisonment, the causes that led to it, and the peril in which their lives have stood during the time of their imprisonment—sufficient atonement for their offence.

There never were two seasons in the history of this country, that differed more than the season of the last year and the present; instead of a hungry and famished people, wanting employment as well as food, the commerce of the country is gradually reviving, and the circulation of property and employment restored. It has pleased Providence to bless us with a bountiful season, which has contributed more than any thing that could possibly have been provided by human ingenuity, to subdue all discontent among us; it looks now as if the time had really commenced when we can indeed begin, with united hands and hearts, to enjoy the fruits and blessings of our long-expected peace; and it would give me satisfaction to the latest hour of my life, if in addition to having had the good fortune to defend the people of England from the extension of the law of treason, any thing that I could say or do in this place, could contribute to restore the alienated affections of some few of his majesty's subjects in this country, to their venerable sovereign. I trust that when this trial is over, if we see these men restored to their families—if we see that they are not to be offered up as victims on the altar of public justice—if we find that they are to mingle again with their friends and their families, that they will have received a lesson by these prosecutions, from which they will derive benefit for the remainder of their lives; the example which has been afforded to all who are out of doors, of the danger into which men fall by committing such outrages as these—the observations that will come from the learned judges, with more weight than from anybody else, to convince them of the folly and futility of their proceedings, will, I trust, do us all good, and will restore that harmony and good humour which ought ever to subsist amongst Englishmen, who will now and then, however, have a few angry words about public affairs, but without any ill meaning.

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Permit me, in a few words, to remind you what it is that I humbly conceive will deserve your attentive consideration on the behalf of the person accused : There is no function of a jury, as you must by this time be well aware, that is of half the importance of that to which I have alluded, namely, that of carefully keeping the law of treason within due bounds, of carefully protecting the subject from the rigour and severity of those laws. Unless in your consciences you believe the accused is proved to have violated them, it is a duty you owe to yourselves and to posterity to keep a vigilant eye upon those laws, and not to suffer them to be unnecessarily extended. In this case, I trust you will find no facts sufficient to make out a case of high treason ; the acts done must, in all cases of crime, and in this as well as in others, I do not say be adequate to the end, for then there would be no such thing as high treason, but there must be some proportion between the means and the end ; for if a man attempt a thing by means utterly inadequate, there cannot be stronger evidence that he did not seriously intend to do the thing ; supposing a man stood at the end of the road towards London, and had been told a particular person was in London, and he had said, lifting up his gun, here goes, I will fire at him : he might have the folly to suppose it would reach its destination, but unless there was a probable reason to believe that the end would be attained, the folly of the means is a protection against its being supposed that he had the end distinctly in view. You see then, that if this evidence does not sustain the charge, I have humbly submitted that the prisoner will be entitled to your acquittal ; that whatever course it may be thought advisable to take against the accused hereafter for this riot, is matter with which you have nothing to do ; you have nothing to do undoubtedly on the present occasion, but to consider whether or not this higher species of crime has been committed ; the evidence has not only not proved a case of high treason, but it has not, as I have submitted, proved a felony under the riot act ; because the proclamation, that is the caution, was not given. Under these circumstances, and particularly, if the case be doubtful, if there be a reasonable doubt whether it is high treason or riot, I beg leave to remind you of the language of my lord chief justice Mansfield to the jury in the year 1781, that you will give the accused the benefit of that doubt. I conceive that it is always for the advantage and for the interests of the country, that if a doubtful case of treason is presented to the consideration of a jury (indeed I may say that by ancient usage and common sense) the scale should always preponderate in favour of the subject ; that I think is the substance of what lord Mansfield stated, in conclusion, to the jury in the case of lord George Gordon.

With that observation I will close what I have to submit to you ; the offences of these persons have been atrocious, but they have not

been treason ; or if you doubt whether they have been treason or not, you will give the accused the benefit of that doubt, say that they have not been guilty of that crime, and thereby rescue your country from the imputation of being the only one in England where this species of treason has been held to have been committed twice in a century, in the year 1745, and again in 1817.

Gentlemen I will not trouble you further.

EVIDENCE FOR THE PRISONER.

John Hazard sworn.—Examined by
Mr. Cross.

I believe you are the overseer of the township of Wilford ?—Yes.

How far is that from this place ?—About seventeen or eighteen miles ; it is not in this county.

Do you know Jeremiah Brandreth ?—Yes.

What condition of life was he in ?—A framework knitter ; I suppose so.

What do you mean by you suppose so ?—He told me so when he came over.

Was that before this matter occurred ?—Yes.

Did he and his family receive relief from your parish ?—Yes ; they were removed to Wilford from Sutton Ashfield.

Mr. Denman.—Gentlemen of the jury. After the very able and impressive address which you have just heard, if I thought myself at liberty to consult my own judgment alone, I should probably leave it to you to decide this question without any observations from me ; because, feeling it necessary to go over very nearly the same ground with my learned friend, I am quite sure I can present nothing to your minds with so much force as it has already been presented by him. But, for my own part, I feel that on the present occasion my learned friend and myself are invested with something like a public duty ; and that when the act of William 3rd with a proper jealousy of state prosecutions, gave the prisoner the privilege of being heard by two counsel, both those counsel were in a manner bound by the same law to lay before the jury such observations as might occur to their own minds. In some sense, indeed, it is a satisfaction to me that I must, in so great a degree, adopt the ideas of my learned precursor, because my own opinions, which were formed at a great distance from him, and without any opportunity of conferring upon the subject till we met at this place, have received so much countenance and sanction from his concurrence in them as to give me the fullest confidence in their justice. With the same confidence therefore I shall proceed to lay them before the court ; and looking to the manner in which this case was stated, it will be necessary for me to follow my learned friend in proclaiming at the outset my strong dissent from the doctrine laid down by my learned friend the attorney-general. It appears to me that that

doctrine is not the law of England. I will state the reasons which have led to that opinion, and of the validity of those reasons you will judge.

The first count of this indictment is framed upon the statute of 25th Edward 3rd for levying war against the king; and it was stated to you, I think very distinctly, by my learned friend the attorney-general, that the other two counts, in fact, resolve themselves into the first. In both of those other counts, which are framed upon a more recent statute, the levying war is the important overt act: if no war was levied, no high treason was committed. I think I collected, as the result of what he said, that the single question for your consideration is, whether war has or has not been levied against the king?

Now, I must be allowed to express my surprise that the learned attorney-general should have stated the law upon the subject so very shortly, and with so little reference to the great authorities which are to be cited upon this subject, because though I trust and believe that none of you have come with the chance of taking upon you the important office with which you are now invested, without accurately informing your own minds upon the subject of trials for high treason in general, so as to be prepared for correctly understanding the language which must be held upon this occasion; yet it is impossible that it should not be to you, as it is indeed to us all, in many respects, a new subject; I therefore think it would have been quite as well if the learned attorney-general had gone somewhat more fully into the history of this business, and laid the law before you, as it is to be found in the Statute-book, and in the writings of the most eminent commentators upon the statute of treasons.

It appears to me, that even the preamble of that statute will form an important ingredient in the consideration of any jury to whom such a question is referred, stating as it does in the language employed by the parliament itself, the reasons for having passed the statute. I am now about to quote a passage from a most important treatise—the treatise of sir Matthew Hale, who has written very largely upon this subject, and has set forth not only the act of parliament upon which this question arises, but also the preamble by which it is introduced. The preamble is this “that as the justices of our lord the king, assigned in divers counties, have adjudged persons impeached before them to be traitors for divers causes, unknown to the generality to be treason,” they petition that “it will please our Lord the king, by his council, and by the great men and sages of the land to declare the points of treason in this present parliament.” Because the judges in their assizes have convicted persons of treasons unknown to the law of England, therefore king Edward and his parliament determined to come to a declaration of the law, by which the jury shall be enabled at once to declare upon the evidence whether or not the

fact has been committed. It was therefore to avoid all *construction* that this act of parliament was passed; for it was known that in former times these constructions had been improperly engrafted upon the law of the land, and that the same constructions might afterwards be fastened upon the subject; and therefore whatever respect I entertain for sir Michael Foster, and for the treatise compiled by him in his leisure, and for other text writers on this branch of the law, I own I entertain much more respect for the text written by the king, lords, and commons, for the protection of men against arbitrary treasons.

What are the treasons then that they have declared?—First, the compassing or imagining the death of our lord the king, and afterwards the levying war against our lord the king in his realm. There are other treasons not immediately connected with this occasion, but which I shall take the liberty of specifying, that you may see that from the first to the last, except in this unfortunate article of levying war, there is not any single treason capable of being extended by construction. In language the most distinct and positive it is declared treason to compass or imagine the death of our lord the king—to murder the chancellor, treasurer, or the king’s justices in their places when performing their offices—to offer personal violence to the females of the royal family—or to levy war against the king. The treason fourthly declared is, adhering to the king’s enemies, within the realm or without, and being thereof proveably attainted of open deed by people of their own condition; then counterfeiting the king’s great or privy seal, or his money; and lastly, bringing counterfeit money into the realm.

Now, I would submit to you, that it is impossible for any language to be throughout more clear and direct; and you will in a moment be convinced that the language employed in describing the particular treason of which this individual is accused before you, is as distinct and as impossible to be mistaken as any one of these clear descriptions of facts which I have read to you. My learned friend, the attorney-general, did indeed venture to ask if this is not high treason, repeatedly calling it *treason by construction of law*. “What is high treason? if this is not levying war, what is levying war?” I think my learned friend (Mr. Cross) has given to this question a complete and satisfactory answer; it is answered by every page of history and more especially of our early history. When, seventy years ago, the Pretender arrived in this very town with vast force, with an exchequer, with allies, claiming the crown of the realm, and proclaiming that king George was an usurper on his rights, that was a levying of war. The Pretender might be called a foreigner coming to invade a country which did not belong to him; and his case might fall under the observations of my learned friend, rather unnecessarily made, when he told you that war might be levied, without a foreign invasion, by

persons within the realm. Most undoubtedly war may be levied by the subjects of this realm; most undoubtedly war has been levied by the subjects of this realm; most undoubtedly at the time when this statute passed, there was no offence whatever so common, so clear, so intelligible to all mankind as this very offence of levying war against the king by his subjects in his realm, not by construction, not by interpretation, not by classing together a vast variety of motives, by saying you did mean this in fact, and therefore must have meant something else by construction of law, but by plain direct overt acts, impossible to be misunderstood.

Look to the reign of king Edward 2nd, the father of the king who passed this act of parliament. He was deposed by his subjects, who rose in arms against him. Against this king war was levied in his realm. Or look to the reign immediately following that of Edward 3rd, and you will remember that king Richard 2nd also was deposed by his subjects, headed by the duke of Lancaster, who afterwards assumed the title of Henry the fourth. That was a levying of war against the king. In subsequent reigns there were usurpers claiming right to the crown; great barons, powerful subjects, canvassing these several claims according to their own partialities and affections, raising forces on their own estates, assembled and united them in order to depose the reigning monarch from his kingly state and imperial name. In the reign of Henry 4th, you know that the conspiracies of Northumberland and Hotspur his son were raised for the purpose of deposing that same king Henry, whom they had assisted to gain the crown, by levying war against his predecessor. And so it was when the Pretender came in 1745, and seduced numbers of his majesty's subjects to join him for the purpose of dispossessing the actual king of these realms. I think, then, I have answered the question satisfactorily, and I am quite sure there is no single overt act which admits of being stated in more plain language, or which was at that period of more ordinary occurrence.

Now, observe in what respect this statute has always been held. Lord Coke most justly observes, "these are cases in which, of all others, the law is most necessary to be known, because it concerneth the safety of his majesty, the quiet of the commonwealth, and the life, honour, fame, liberty, blood, wife, and posterity of the party accused, besides the forfeiture of his lands, goods, and all that he hath;" for this reason, indeed, he departs from the practice of his age, and composes his treatise on this branch of the law in English, that it may be comprehended by all the king's subjects, truly adding the remark that "most miserable is that slavery where the law is unknown and undefined." The object of the law in question was, to make it so perfectly clear in itself as to exclude all construction; and there is this most remarkable provision,

that, if any case arises which is not there defined, the sense of the king and his parliament shall be taken before it is called treason; a provision peculiar to this act, and arising out of that particular aim and object with which alone it was framed. "If it be not" (says lord Coke) "within the words of this act, then by force of a clause hereafter it cannot be adjudged treason, until it be declared treason by parliament, which is the remedy in that case which the makers of the law provided;" and afterwards he makes a very remarkable observation, the more so as coming from one who was himself a judge, and many years presided over the criminal law as chief justice of England. "Nothing is left to the construction of the judge if it be not specified and particularized before by this act; a happy sanctuary or place of refuge for judges to fly unto, that no man's blood and ruin of his family do lie upon their consciences against law: and if that the construction by arguments from the like, or from the less to the greater, had been left to judges, the mischief before this statute would have remained, namely, diversity of opinions what ought to be adjudged treason, which this statute hath taken away by express words, and the statute of 1 Mary doth repeal all treasons but only such as be expressed in this act of the 25th Edward 3rd, wherein" he says "this word expressed is to be observed."

The doubtfulness of the law before the time of Edward 3rd, is stated by the same great authority, almost in stronger language: "when we consider," says he "how many acts of parliament that have made new treasons, and other capital offences, are either repealed by general or express words, or expired; how many indictments, attainders of treason, felonies, and other crimes, which are not warrantable by law at this day,"—he then enters into his reasons for publication—"we have thought good to publish this third part of the Institutes, wherein we follow that old and sure rule—judgment should be given by the laws; and not by precedents;" therefore, if improper precedents have in corrupt times, or by any means whatever, crept into the practice of the law of this country, here is the text, the bible of that law, to which we may resort, as a lamp to guide our feet into the way of truth.

All lord Coke's observations upon this statute (though I do not affect to read them all) deserve your serious attention: they speak to the conscience of every man who may be called to pronounce on the guilt of a fellow subject charged with treason, in language the most solemn and impressive. The act requires that the guilt must be proveably made out—that the culprit is to be proveably attainted, that is, "upon direct and manifest proof, not upon conjectural presumptions, or inferences, or strains of wit, but upon good and sufficient proof; and herein the word proveably hath a great force, and signifies a direct and plain proof; which word the lords and commons in parliament did use, for that the offence was so

heinous, and was so heavily and severely punished, as none other the like, and therefore the offender must proveably be attainted, which words are as forcible as upon direct and manifest proof. Note, the word is not probably, for then the common argument might have served, but the word is proveably be attainted."

—Such are the comments of lord Coke upon this great and important statute—you see the reason for its passing, in the uncertainty produced by an arbitrary construction—you will see that soon after it became the law of the land its principle was still obnoxious to men in power. Sometimes there were temporary laws to suspend its efficacy; and at other times it was evaded by those whose sacred duty it was, to insure the benefit of its provisions.

In the reign of king Richard the second, to which I have already alluded, there was a court held at Nottingham by the king: and the opinions of several of the judges were taken on certain points of treason which were submitted to their decision. I will take the liberty of stating very shortly what is said by lord Coke on that subject, for I am sure it will expose me to no sinister imputations, as the entire dissimilarity of the times will prevent my being supposed to allude to any case which can by possibility now occur. Indeed I quote but the words of my lord Coke, who in pointing out the reason why the law of Edward was passed, refers to what was done at that meeting at Nottingham, in coarse and violent language. Such I would not myself have used, but I must either quote it, or forego the benefit of his statement. "By this which hath been said it manifestly appeareth what damnable and damned opinions those were, concerning high treason, of Tresilian, chief justice of the king's-bench, sir Robert Belknap, chief justice of the common bench, sir John Holt, sir Roger Fulthorp, and sir William Burghes, and of John Lockton, one of the king's sergeants, that were given to king Richard 2nd at Nottingham in the eleventh year of his reign. But more detestable were the opinions of the justices in 21 Richard 2nd, and of Hawkford and Brinckley the king's sergeants (and the rather, because they took no example by the punishment of the former) which affirmed the said opinions to be good and lawful." He does not, however, forget to record that "not only that parliament of 21 Richard 2nd and the circumstances and dependencies thereupon are wholly reversed, revoked, voided, undone, repealed, and annulled for ever, but also the parliament by which these false justices were attainted is confirmed, for that it was for the great honour and common profit of the realm."

Upon that subject, I would merely take the liberty of saying further, that the attainder of those by whom the unjust judgments were pronounced, was twice reversed, but that it was ultimately confirmed upon that principle which guides and directs in the act of Edward 3rd, namely, that the act of parliament is to be judged only by its own plain and distinct

terms, and that it is not open to judges to raise constructive treasons upon it. Lord Hale says, "this extravagant as well as extrajudicial declaration of treason by these judges gave presently an universal offence to the kingdom, for presently it bred a great insecurity to all persons, and the next parliament there were divers appeals of treasons by certain lords appellors, wherein many were convicted of high treason under general words of accroaching royal power, subverting the realm, &c. and among the rest those very judges that had thus liberally and arbitrarily expounded treason in answer to the king's questions, were for that very cause adjudged guilty of high treason, and had judgment to be hanged, drawn and quartered, though the execution was spared—and they having led the way by an arbitrary construction of treason not within the statute, they fell under the same fate by the like arbitrary construction of the crime of treason." Thus, I repeat it for the sake of impressing the truth on your minds,—the arbitrary construction of treason is for ever dismissed from the law of the land. You will therefore not lose sight of these important principles, and these still more important decisions: and I am sure you will remember, that though times are altered, though it is impossible from the state of society that the same occurrences should take place in the present day, yet that human nature is always the same; and that the state prosecutions, formerly instituted for the purpose of extending the power of the crown, have produced the glosses and observations upon which the whole doctrine of that which my learned friend has so repeatedly called treason by construction of law, has been attempted to be raised, as stated by Mr. Justice Foster.

The question, then, being upon this statute, whether that which has taken place is a levying of war against the king in his realm; for the trial of that question, I have already said, and now beg to repeat, that I consider you, twelve gentlemen, the only tribunal. I conceive the question of levying war against the king is a matter of fact exclusively; it is for you, and you alone, to decide; and that for the best possible reason, even independently of the strong principle by which all construction is excluded from the operation of that statute. It must be a fact for the jury to decide, for it is utterly impossible to define beforehand what a levying of war shall be. My lord Hale states "what shall be said a levying of war is a question of fact, and requires many circumstances to give it that denomination, which may be difficult to enumerate or to define." He lays down the same proposition in another part of his work, and in Mr. Justice Foster's Treatise, which has been already referred to by the attorney-general, the very same observation is in effect made; for he says, "the true criterion in all these cases is, with what intention these parties act," and intention is in all cases for the jury alone, and impossible to be referred to the judges. It depends upon

the circumstances of every particular case, and upon the view which every particular jury may happen to take of the facts brought before them, whether there has been a levying of war. Mr. Justice Foster lays down the same law, and I find it repeated in Mr. East's *Treatise on the Pleas of the Crown*. That gentleman relies on very high authority in support of his proposition, and refers to a manuscript summary of criminal law to which he had access, originally drawn up by lord Hale, and afterwards copied out, sanctioned, and adopted by so many of the most learned magistrates who ever adorned the bench, that it is impossible for any text writer to compile a work so worthy of respect and attention, as that in which he states that the question of levying war is a question of fact for the jury to decide.

Upon a late trial for high treason, the same doctrine was successfully contended for by my learned friends, Mr. Wetherell and Mr. Sergeant Copley. I do not know that it was either admitted or denied by either of my learned friends, the attorney or solicitor-general; but lord Ellenborough, when he came to put the question to the jury, adopted it in the most explicit terms, for in summing up the evidence, when he adverts to the distinction between rebellious riots, and treason, his lordship says, "It will be for you, gentlemen, when you shall have heard my recapitulation of the evidence, to decide upon this point."* Therefore it was for the jury to pronounce upon the fact—it is and must be for the jury in every case. The law handed down from the earliest times has been confirmed in the latest, and is recognized by the authority of the present chief justice of England, that you, the gentlemen of the jury, are the proper tribunal for deciding whether treason has been committed by levying war.

If I appear to have laboured this point at more length than is necessary (for I hardly expect the doctrine will be denied to me) I trust you will forgive me. I think it a matter of the utmost importance in itself, and in its consequences.

Now, I know that what was said upon that occasion will be repeated here, that constructive levying of war have been recognized by the courts on several occasions. It is no doubt true that there are to be found in the books three or four cases in which the courts have talked of constructive levying of war, and in which convictions have taken place. The first of these cases occurred 200 years from the passing of that very statute, which, if preserved and held sacred as it ought to have been, would have prevented the necessity of entering into this discussion. In the reign of Henry 8th, in that most infamous and bloody reign, at the distance of two compleat centuries from the time when that statute was passed, the first case of the kind occurred. It was then determined that a rising to enhance the wages of

labour was a levying of war against the king in his realm.*

I am sure you hear me with astonishment. I am quite sure that after the statute I have read to you, and the comments I have quoted, you can hardly believe that in any reign it should be decided that a rising to enhance the wages of labour should be called a levying of war against the king in his realm within that statute, by which it was not only not so determined, but by which the very negative was established. However, the fact cannot be denied, it was so determined in that reign, in which several other equally extraordinary precedents might be found on subjects of state prosecutions; and in which the only rule one can believe to have been uniformly prevalent, was to adopt the construction most favourable to the power of the crown and most agreeable to its inclinations. I will not enumerate the dreadful means by which crown prosecutions were then carried on, but will only remind you in what reign it was that that construction of the law originated which directly violates the great law of treason, and has been deservedly condemned by some of the most distinguished lawyers who ever presided in English courts of justice.

From that period to the time of Charles 1st, another most unhappy and most tyrannical reign, it does not appear that a single decision of that kind was ever pronounced, or that any judge ever sought to interfere with the province of a jury in determining whether war had or had not been levied against the king in his realm. Now, that case in the reign of Charles 1st, I take the liberty of saying is not law: and I say so (though I believe it was decided by all the judges) upon the authority of that very distinguished writer to whom, and to whom alone the attorney-general referred in opening the case to you,—the case is called "Benstead's case." I now quote from Mr. Justice Foster, "It was adjudged in the 16th Charles 1st, a season of great agitation, that going to Lambeth-house, in a warlike manner, to surprise the arch-bishop, who was a privy councillor, it being with drums and a multitude to the number of three hundred, was treason;" so that to compass and imagine the death of an arch-bishop was adjudged to be high treason by intentment and construction of law, on a statute which excluded all intentments and all construction, providing that the parliament should be consulted on any treason attempted to be thereafter introduced. Mr. Justice Foster says—"This is a very imperfect account of an insurrection which hath found a place in the best histories of that time. The tumult happened on Monday the 11th of May 1640, about midnight. On the Thursday following the special commission, under which the judges sat, was opened and proceeded upon, and

* Watson's Case, *ant*, p. 562.

* See the observations of Mr. Luders upon this decision, *Tracts on Various Subjects in the Law and History of England*, p. 21.

Benstead, a ring-leader in the tumult, was convicted, and within a very few days afterwards executed." So that you see, gentlemen, it was a very hasty proceeding; it was a proceeding in a time of great agitation—a proceeding in the time of a most arbitrary monarch, and in the time of those judges who pronounced that that arbitrary monarch had a right to take his subjects money out of their pockets without the consent of parliament, and against the express law of the land. Then Mr. Justice Foster goes on to state, "as the facts of that case are stated in the report, it is not to be supported as law," he expressly condemns it, and declares that as the case is stated, and without supposing other circumstances which do not appear to have been proved, and which if proved would have been considerations for the jury and not for the Court, even upon the principles laid down by him, the case cannot be law.*

Another case occurred in the reign of Charles 2nd, not a very happy era from which to take precedents. I see my learned friend smile—he says, perhaps, I am dealing rather harshly with all times, but if you will bear in mind that two thirds of the state prosecutions in the time of Charles 2nd led to decisions which were afterwards set aside as corrupt and unjust, you will think I am justified in saying that that time is not a very pure one from which precedents on these subjects are to be drawn. In the reign of that monarch a case was decided to which I beg leave to draw your attention—there a special verdict was found that A. B. and C. with divers persons, to the number of a hundred, assembled themselves in a warlike manner to pull down bawdy-houses, and that they marched with a flag upon a staff and weapons and pulled down certain houses in prosecution of their conspiracy; this, by all the judges assembled except one, was ruled to be levying of war, and so high treason within this statute, and accordingly they were executed.†

In that case a special verdict was found. But according to the doctrine for which I have been strenuously contending, and do now most strenuously contend, I cannot understand how a special verdict could be found at all, because if it be a question of fact for the jury to say what is a levying of war against the king, I am at a loss to understand how it should be sent to the judges to decide upon a special verdict, whether the facts and circumstances and the intention taken together did amount to that offence. It appears to me (I state it with submission, but with great firmness) as a conclusion from indisputable premises to which my learned friend and myself have been inevitably led, that the judges could have no right to decide upon that special verdict, because it is the province of the jury to pronounce on the effect of those circumstances which admit of no previous definition; it was for the jury to have

given their decision, and the judges were certainly in my opinion without jurisdiction when they pronounced an opinion upon that special finding. The judges were not unanimous; one dissented from the majority, and that was sir Matthew Hale himself. I am sure I cannot use any terms to designate a wise, an enlightened, and an upright magistrate, which are not applicable to sir Matthew Hale: there never was a man upon the bench—perhaps I might say in the world—more religious, more conscientious, more humane, more perfectly versed in the law of the land, and more determined to discharge his duty in administering and in recording it. Sir Matthew Hale differed in opinion; he thought this was an unruly assembly, he thought it was a riot, he thought it should have been put down by a magistrate, he thought the parties who thus insolently took the law into their hands ought to be severely punished; but he thought it was not high treason. Let me suppose then that the case had been as it ought to have been, submitted to a jury as matter of fact, and not to the judges, who can decide only on a question of law; and let me further suppose that sir Matthew Hale had been the foreman of that jury, you will see that the verdict which would then have been correctly given by the proper jurisdiction, would have established a law directly the reverse of that which was pronounced by the eleven judges; for they put themselves into the situation of a jury, and returned a verdict on the facts, when it was their duty only to lay the law before the jury, without any constructions or interpretations of their own.

There is one case more; it occurred in the reign of queen Anne, and was cited by my learned friend the solicitor-general in the late trials. I allude to the king against Dammaree and Purchase, the one a waterman and the other a porter.* Dammaree went about the streets of London with a multitude crying out Sacheverel for ever! down with the meeting-houses! and doing very considerable mischief; they were joined by the other prisoner Purchase, who came up extremely drunk and ignorant (for all that appeared) of the intentions of the other rioters, though he certainly joined in the mischief they were doing. The first question submitted was, whether Dammaree had committed high treason in going about knowingly and deliberately to pull down these meeting-houses, and inciting the mob to commit the like outrages by his cries and his example. There is one view of the case in which I am not disposed to question the correctness of this result; for if all these acts were done in hostility to the government, and in pursuance of a scheme for subverting it (which might possibly be the case, for Sacheverel was the leader of the high-church party, who were endeavouring to pull down the king and place king James in his stead), it would be properly a question of fact, whether that was

* See Mr. Luder's Remarks upon Benstead's Case. Tracts, *ut sup.* p. 43.

† Messenger's case, 6 How. St. Tr. 879.

* 15 How. St. Tr. 531.

not a levying of war against the king. But the question so stated is a question of intention, and ought to have been submitted to the jury. The judges took it however into their own hands, and decided, that because the riotous assembly professed a general purpose, the destruction of all meeting-houses, it was a levying of war against the king. Such was their judgment as to the first prisoner; but as to the second, who came up accidentally in a state of intoxication, this man's case came before the judges for their decision whether or not he was guilty of high treason for joining in the acts of violence committed.

I have said and I repeat that I think it should have gone before a jury to have made that decision. If it had, if you had been that jury, if the proof had been, that men went about pulling down meeting-houses, and holding violent and seditious language, and that a drunken porter had joined them without knowing their design, merely entering from a spirit of mischief, or from whatever other motive, into a participation of these momentary outrages, would you, could you upon your oaths have declared that that unfortunate individual had withdrawn his allegiance from the sovereign whom he loved, and thought perhaps he was serving; that not having the fear of God before his eyes he levied war against his king? I ask, whether any one of you would not have rather died in the box than consented to have found him guilty. I ask you, whether you could from any sense of public policy have brought yourselves to say that that poor drunkard who joined in the destruction of brothels, without knowing what the party were aiming at, was guilty of that wilful and most malicious act, which has its rise in a deliberate abandonment of the duty and allegiance due to the throne? Three of the learned judges thought he was not guilty, the other judges were of a different opinion; I have stated my reason for thinking it was not a question at all for them; the men however were thus condemned, but it is some consolation to be able to state as the sequel of the history, that they were not executed upon that finding.

The judges who pronounced that decision, acted upon the authority of Benstead's case, which I have already considered, and denied to be law for the very satisfactory reasons given by Mr. Justice Foster; they also founded their opinion upon that case in the reign of king Henry 8th to which I have alluded. If, therefore, these cases are not capable of being supported in point of law, because they withdraw the trial of the issue from the only tribunal—the jury, to which they were legally referable—that of Dammarée and Purchase, which I know will be mentioned to day, falls to the ground also, and leaves the law unfettered by their authority. At all events I repeat again that it is a question of fact for you to decide, and I trust, and am sure, you will feel it your bounden duty to exercise that privilege which belongs to your jurisdiction.

I shall now take the liberty of calling your attention to what is said by that great authority, sir Matthew Hale, on the subject of levying war. "The assembling of rioters in great numbers to do unlawful acts, if they have no military arms, or no appearance of war, yet doth not always amount to a levying of war," and for this he refers to 3rd and 4th Edward 6th and 1st Mary, cap. 12; "to make it treason, it must be a levying of war against the king, otherwise, though it be in a warlike manner, and a levying of war, it is not treason," and he gives particular instances of this, and adds, by way of example, "If it be only a private and particular design, as to pull down the enclosures of such a particular common, it is no levying of war against the king. But a war levied against the king is of two sorts, expressly and directly," which I contend was the only one which the statute intended, "as raising war against the king or his general and forces, or to surprise and injure the king's person, or to imprison him, or to go to his presence to enforce him to remove any of his ministers or counsellors and the like," and indeed there can be no question that such acts amount to levying war against the king.

But he proceeds to speak of the second kind of levying war—"interpretatively and constructively, as when a war is levied to throw down enclosures generally, or to enhance servants' wages, or to alter religion established by law, and many instances of like nature might be given; this has been resolved to be a levying of war against the king, and treason within this clause." He then examines the foundation on which these constructions are built, and remarks, that the first resolution he finds is in the reign of Henry the 8th for enhancing servants' wages; and the next in time was that of Burton for raising an armed force to pull down enclosures generally.* I pass over the proceedings against Burton, because they were not upon the statute of the 25th Edward 3rd. Then he adds, "these resolutions being made and settled, we must acquiesce in them, but in my opinion, if new cases happened for the future that have not an express resolution in point, nor are expressly within the words of the 25th Edward 3rd though they may seem to have a parity of reason, it is the safest way, and most agreeable to the wisdom of the great act of 25th Edward 3rd, first to consult the parliament, and have their declaration, and to be very wary in multiplying constructive and interpretative treasons, for we know not where it will end." Thus the state of insecurity, described by lord Coke, the uncertainty of every man in the possession of his life, his liberty, and his property, if the plain words of a plain statute are to be extended by construction, are here mentioned also by sir Matthew Hale, as a reason for carrying it no further. He repeats this very frequently; and in the course of these

* *Vide Laders at sup. 34.*

remarks, I find a paragraph which seems to go to the other point I have laboured; namely, the question whether levying war is or not a question for the jury, which I omitted before, and will now recite. The earl of Northumberland, and his son lord Percy, levied war against the king; lord Percy was overthrown at Shrewsbury, the earl of Northumberland was found marching towards that town, and his object was not perfectly clear, "the king demanded the opinion of the judges and his counsel touching it; the lords protest the judgment belongs, in this case, to them—the lords, by the king's command, took the business into their examination, and, on view of the statute of the 25th Edward 3rd they adjudged," what they considered to be right on the particular case. It appears, therefore, that the king claimed for the judges, the right of determining whether the act of the earl of Northumberland was treason or not; but his peers, the people of the earl's condition (according to the language of the act), in a word, the jury, took the matter into their own hands; they considered the case, and they pronounced the verdict—a clear authority in favour of the other proposition, that the question of levying war was not for the judges, but the jury.

Another case also happened in the time of king Charles the 2nd.—A great number of weavers* in and about London, discontented at the engine loom, which did that labour which should be done by the hands of men, combined to go from house to house to destroy these engine looms; they assembled to the number of three or four hundred; and in Stratford le Bow amounted to fifteen hundred. They did in a most violent manner break open the houses of many of the king's subjects, in which such engine looms were, or were suspected by them to be; they took away the engines, and making great fires, burnt the same, and not only the looms, but in many places the ribbands made thereby, and several other goods of the persons whose houses they broke open; this they did not in one place only, but in several places and counties—this they did after several proclamations made, and command given by the justices of peace and the sheriffs of Middlesex to depart; but instead of obeying they resisted, and affronted the magistrates and officers. It is true they had no warlike arms but that was supplied by their number, and they had such weapons as such a rabble could get, as staves, clubs, sledges, hammers, and other instruments to force open doors: of the military called in, many were disposed to join them: the tumult became very general, extending over several counties. This was submitted also to the judges, not in court, where it should have gone to the consideration of the jury, but out of court, by a proceeding not extremely correct, and which would not take place in these times. The attorney-general privately consulted the

judges what they would determine if such a case should come before them; the judges were equally divided, five against five, and the attorney-general proceeded and tried them for a riot, and they were punished for that offence.

One of the reasons on which lord Hale founds his opinion upon these particular cases, and argues that these violent and outrageous proceedings, however mischievous and dangerous, still fall short of treason, is, that he considers them specially provided for under a different denomination by that statute to which allusion has already been made. He says—it is considerable how these resolutions—that is, the resolutions in favour of a constructive levying of war—stand with the judgment of parliament, in the 3rd and 4th Edward 6th which makes special provision to make assemblies above twelve to alter the laws and statutes of the kingdom, or the religion established by law, or if above forty assemble for pulling down inclosures, &c. Treason, if they departed not to their homes within an hour after proclamation. Lord Hale therefore very naturally says—The act of Edward the 6th thought it necessary to provide for the making such a riot treason, under particular circumstances; and it follows, that it was not treason at all before that statute, nor even since, if unattended with those circumstances; for the act applies to a great number of persons assembled, in the language of my learned friend, for a general purpose; no less than altering the laws, or the established religion; and I defy human ingenuity to put it more strongly as a general and not a particular object; and as the case is declared treason by that statute, it seems to lord Hale extremely doubtful how it could be considered as treason before.

I dare say that you have lately read the case of Watson; I dare say you saw it generally stated, and you would observe that this argument was very strongly urged by both my learned friends who defended that prisoner, and put to the jury by lord Ellenborough: "It will be for you when you shall have heard my recapitulation of the evidence, to decide upon this point;"* that is, whether the violent proceedings which took place in that case, with a tri-coloured flag, and a number of persons parading through the streets, meditating an attack upon the Bank and the Tower; when headed by a young man, who leaped down among a mob, assembled for factious purposes, and said, Will you follow me? amounted to high treason. The jury found that was not high treason: they thought it was a riot, and must have thought so, on the foundation of that argument which was then urged by my learned friends, but which did not originate with them, because it is very distinctly stated by lord Hale; namely, that if it had been high treason, under the statute of Edward 3rd, there could have been no necessity for passing the

* Fost. 210.

* Watson's case ante p. 582.

subsequent statute of Edward 6th, to give it that denomination of offence, under particular circumstances, and after continuing a certain time. I submit to you that the case before you is precisely that described in the statute of Edward 6th; it was a meeting of a number of persons above twelve to alter the laws and statutes of this realm by force, and to proceed to the execution of that purpose by the force they had so gathered. It was indisputably a rebellious riot, but the law provides, that if by force and arms they shall meet to effectuate that object, they shall be guilty not of high treason, but, so far from it, they shall be, in the first instance, guilty only of a riot, and shall be punished and dispersed in the manner prescribed by that act.

This argument is most material in another point of view. In the time of Henry 8th, the first case of constructive levying of war took place. In the time of his son, king Edward the 6th this act was passed, which declared, in effect, that what the judges had called levying war was not levying war, but was no more than an aggravated riot. For the case of enhancing servants wages was that in which all those ingredients concurred. The multitude met with force to carry that purpose into effect, and the judges of that day declared these acts high treason. But, in the very next reign, we find an act of parliament describing, in precise words, that which had been so considered in the reign of Henry the 8th, and declaring it shall not, in the first instance, be high treason, but riot. Nor must it be forgotten that the great and humane object of this law was not merely to bring to punishment the miserable persons who might have been goaded on by despair and famine to acts of violence and even of rebellion, but to repress them in the outset, and put them down before they became fatal; not to look on and see them proceeding; and, when they had got to a certain head, to interpose when it has become too late, denounce them by the name of traitors, and scatter almost at random, among a misguided multitude, the dreadful sentence of death and mutilation; but the object was, to say you are wretched, you are ignorant, you are misled, you are objects rather of compassion than of punishment, and therefore, in just commiseration of your ignorance and your wretchedness the majesty of the law shall appear among you, with the sheriff and the magistrates whom you know and respect; your neighbours and the force of the country, and all those on whom you ought to look with affection and veneration, shall entreat you to disperse, to return to your own houses and abide there in peace. We know the mischief and the danger of these meetings; we know to what they may lead; we know what fatal consequences they are calculated to produce; we have provided, therefore, for dissolving the riotous assembly by a superior legitimate force, and thus preserving the threatened peace of the country.

Let it, however, be remembered that these fatal consequences are by no means more likely to result from a treasonable confederacy than from a riotous assemblage—perhaps even less so; and, therefore, if any use is to be made of that most unfortunate circumstance which contaminates the present case with blood, I say it has no real bearing on this inquiry.

My learned friend, the attorney-general, has himself desired you, in the plainest terms, not to allow that circumstance to affect your minds; and I trust you will not because a death has ensued therefore think that it is the less a riot or the more a treason, for, in point of fact, the characters of the two crimes are in all respects perfectly distinct; and there are many circumstances connected with such transactions which make the death of an individual more likely to occur in the prosecution of riot than of treason.

But that unhappy event has misled me from the object I had in view, and I must again remind you of the argument I have urged, and of the effect it produced on the trial of Watson. I have not the slightest doubt that that was the main consideration which convinced the minds of that enlightened and independent jury; and I am sure you are not less enlightened or less independent. Not upon their authority however, but upon the authority of your own reason and your just regard to principles, I submit to you that you ought to come to the same result, and pronounce the same verdict. Not that I am asking for impunity at your hands; God knows, the unfortunate objects brought here to-day, are liable to punishment even when you shall have dismissed them. God knows, if the evidence be taken to be true as affecting this unhappy individual, on other charges besides that of treason, there is but little fear he will escape with impunity. Too many laws have been already violated, too many feelings have been wounded, to suppose that this matter should be passed lightly over. I think it is not to be expected, and I tell you fairly—feeling as I do, that this is a public duty which I am performing—I tell you fairly I do not wish to see these parties escape with impunity. I think they ought to be punished, that they ought to be made sensible of their crime, and others ought to be warned by their example. But let it not be by a strained construction of a positive law, which cannot be violated without affecting the security of all the king's subjects, and the stability of our free constitution.

The law of riots was re-enacted in the first year of the reign of queen Mary, with this difference, that when parties should have been assembled an appointed length of time, without dispersing after proclamation read, they should be guilty, not of treason, but of felony—all the intermediate statutes of treason were wiped away by the act of Mary; the statute of Edward the third was placed again upon its old footing, and in my opinion, by this act of Mary and the previous act of Edward the sixth,

the authority of the case of enhancing wages was completely destroyed—that decision was thereby declared to be erroneous, and is consequently now of no authority in a court of justice;—that is my opinion, I have endeavoured to establish it by argument to the satisfaction of reasonable minds, and I hope I have so urged my proposition to you that you cannot be deceived by it. I wish only to be understood, and I am sure it will be considered by you in its proper light.

I ought to advert to the particular facts which have been proved—and admitting that it is quite impossible to have heard the opening of my learned friend the attorney-general without feeling great admiration for the candor with which he has brought the case to your notice, at the same time I must take the liberty to say, that it is quite clear that upon some points of the statement he has been considerably and most materially deceived. He has opened to you matter which he has not even attempted to prove, and that matter not of mere aggravation—not of accidental occurrence in the course of the disturbances, but such as goes to the very origin and conception of the crime imputed. This crime is in the heart of man—this abjuration of allegiance to the king, this levying of war for his destruction has its root in the mind and motives of the accused. The question is whether the heart is tainted; and the way in which my learned friend undertook to prove it was, that these persons met on Sunday, having been two or three days before at another meeting, at which this conspiracy was arranged.*

Mr. Attorney General.—No indeed.

Mr. Denman.—The note I have taken is this “He was on Sunday the 8th at a public house, having been at a previous meeting a day or two before, at Pentridge, for the express purpose of leading the insurgents, and of receiving them and explaining the plan of operations, wiping all clean, and so on.” I think, therefore, I am warranted in saying that my learned friend was instructed to state that which turns out to be utterly unfounded, but which, if true, would have been most material to the proof of his case: for if this man was at the White-horse on the Sunday, having come with the determination to carry measures into effect which were the result of previous consultations, that would have shown that a conspiracy existed, of which he was a member before that time. Now, if that conspiracy existed, I should like extremely to know who were the parties to that conspiracy, who it was that induced this man to go to Pentridge for the purpose of inciting these unfortunate starving people to the commission of riots and outrages, plunder and devastation, with the absurd and indefinite project of a provisional government for the distribution of

bread and beer, and all those things which were heaped together in their incoherent conversation.

Then, instead of the prisoner's connection with any meeting two days sooner, the proof begins on this Sunday; and this poor man is found in a public-house, in a public-room, on the most public day, accessible to all travellers, having been there all night (for that is in evidence) sitting with these people round him: he was drinking, and they were drinking too. With respect to the outrage itself, it is, indeed, impossible to deny that it was violent and dangerous in the highest degree: but I say it does not amount to any thing like a levying of war; he has been drinking there all night, and he is found with a map before him, with his apron twisted round him, and this the attorney-general has described as a belted generalissimo, pointing out his stations on maps and plans. Could the inhabitants of Pentridge be ignorant of the road to Nottingham? where the map came from one cannot tell, probably it was one belonging to the public-house; the conversation is mixed with language one is sorry to hear, but without one definite measure proposed or determined on; every thing is couched in the most vague and unintelligible phrases one can conceive. And here I beg to call your attention to the evidence of the two first witnesses, the special constables: The second man states that he heard all that the first heard; he seems to have heard more, and yet he did not, according to his own account, hear so much; he did not see Brandreth go out of the room occasionally; and as to the talk about drawing the badger, and killing the vermin, and so on, you must do this prisoner the justice to observe, that he never says a word about this vermin, that he never talks about the badger. Asbury, the witness, states no less than four names, mentioned in connection with that remarkable language, whereas the other says that no name whatever was mentioned. Asbury might understand, perhaps, that those four persons were intended, but he goes further and says, that they were mentioned, whereas the other says they were not. There were several other contradictions between them, and I think the mode in which the verses were repeated furnishes some little lesson on the degree of credit we ought to give to such representations made by persons present on such occasions. They are irritated, they are drunk, they are half asleep, they use violent language, they say absurd things, and among other absurd things they sing absurd verses. The first man called to speak to them, though they were only six lines, cannot recite them; the second repeats them distinctly. Now, a man who is not able to put these six lines into perfect sentences before you, is the man upon whose authority rests almost altogether the assertion that that kind of language was used which is supposed to point to a direct, clear, deliberate design in the prisoner to levy war against the king, and destroy the existing government

* See the remarks of sir Samuel Romilly and of the solicitor-general upon this part of the case 37 Hans. Parl. 36, 42.

of the country. I think that circumstance furnishes a pretty good lesson as to the degree of credit to be given to the memories of such men.

I do not mean to deny that there was an intention among these people to rise, they certainly did rise, but for what object? I fear I must admit (for I can find no other object among them) that their object was to plunder their neighbours' larders and to fill their bellies. —One says England, France, and Ireland are all going to rise together—can you suppose that was said? or if you believe it was, can you suppose they had an idea of what they were saying? Another says, we are going to Nottingham and shall take the barracks. Another says, the keys of the Tower are already given up to the Hampden club—another says, we are going to pay off or to wipe off the national debt: I think they did not profess an intention to pay it off, but they could have done one just as easily as the other. There is no *wild project* which these deluded people do not state: but as to a *defined object* of any description, I am at a loss to find such a thing from the beginning to the end of the evidence, except the object of a bigger loaf and the going on a party of pleasure on the Trent from Nottingham.

While I am on this subject, I venture to put it to you, as men of common sense, as men who know why language is employed, as men, who, when you look at this statute, see for what purpose it was enacted—in what times, and how well the crime of levying war was understood in those times, can you upon your consciences declare that this absurd combination of unemployed mechanics was a levying of war against the king? When these miserable paupers went about from one house to another holding the language they did, exaggerating their force, telling falsehoods or else excessively deluded—can you call it, within any construction that reasonable and honest men can put upon words, a levying of war against the king? —I say if the man was believed to be serious who talked of the badger and the vermin—not the prisoner, but one Turner—he might be levying war against Mr. Halton; and those who talked of the vermin, might be levying war against the other gentlemen, of the names of Goodwin, Wragg, and Jessop; but there is not a single expression that leads to the idea of levying war against the king. I think Mr. Goodwin did himself great credit by his conduct, as well as by his evidence—would to God they had followed his advice—but the intention to destroy Mr. Goodwin, as it was said to have been expressed among them, was a much more definite object than levying war against the king, and yet instead of doing him any mischief, they permit some of their followers to take refuge in his office. They are charged with a design to destroy him: the first incident in the rising places him completely at their mercy; and yet, with his life in their hands, they are so far from sacrificing it, that they hear patiently his remonstrances and invectives,

and allow him even to draw off some deserters from their small and diminishing forces.

We have had every thing put into military language; the apron is turned into a belt, the pauper is converted into a generalissimo. But you will consider the facts, not the expressions, and see the extreme folly of their projects. I do not mean to go the length of maintaining, that every design in order to affect the contrivers must have been carried into effect; and indeed I think the answer to such an argument might have been spared, because no such argument was likely to be urged. I do not argue that levying war is synonymous with the obtaining a victory, but the question is, has war been levied and raised? here the charge is the levying of war against the king, and I deny that it is a levying of war; I deny that this is a levying of war against the king: something positive, distinct, and defined, is absolutely necessary to distinguish a treason from a riot, and I put it to every one of you, whether that is not the impression of your own minds.—What did they mean?—what did they do? Oh, they meant to overturn the government. What measures did they prepare—what steps did they take, to effectuate that atrocious purpose? If the charge had been for compassing the natural death of the king, and if a man were proved to have said I mean to kill the king, if he afterwards provides any means, however inadequate, to destroy the life of his majesty, that is an overt act for destroying the life of the king. But when we speak of levying war, that is altogether a different consideration. Levying war against the king imports that some measures have been taken against the king, which may have some probable, or at least possible chance of succeeding; these men had not only not a chance of succeeding, but the only means collected were even ridiculously inadequate.

The second count charges, that they met with others to devise, arrange, and mature plans and means to subvert and destroy the constitution and government. Was any plan matured? Was any plan devised? It was concerted that they should go to their neighbours' houses and help themselves to beef and beer, and so on; but for executing the purpose charged, no means are prepared, no plans devised, no arrangement contemplated. If something was said in the most vague and general phrases about the government being overturned, one link of the chain was at Pentridge, another in London, and your imagination is to connect them. Some evidence has been adduced of acts which may be supposed to prove a rising at Nottingham. I know the evidence has been admitted, but I deny that there was any proof of *conspiracy* with these Nottingham men: there might be some expectation upon the subject, but nothing more. I admit that ten people rising in Nottingham Forest went to Mr. Roper's and asked him for his gun; not a word among the Nottingham people of an intention to upset the government; but the proof is merely, that these few men were brought toge-

ther for an unknown purpose. Though the evidence has been properly received before you, it is for you to consider whether it establishes what it was meant to prove. Such a head of evidence might perhaps have led us very far, for I do not know why anything that passed or was said in Nottingham Forest, might not on the same principle be brought before you to affect this prisoner. But is the conspiracy made out? George Weightman was to go there and see what was passing: he went and returned, and nothing passed. Without requiring much consistency of project, or a very distinct plan of operations, I do think that as a matter of common sense you will require something practicable—something within the bounds of possibility at least, to show that there was an arranged series of measures in the minds of these people, not only to go to Nottingham and join people there, but an arrangement having some connexion, however remote, with the accomplishment of that purpose which is charged to have been their ultimate object, namely, the overthrow of the government. In this view of the case, and upon the fair meaning of the term “levying war,” the extreme folly of these people, their nonsensical language, and the absurdity of their supposing, if they did suppose, the government to be in the smallest danger, appear to me to apply very materially. The very term imports that measures must be in some degree of progress towards effecting the precise object. It might as well be said, that the design of these men was to wipe off the national debt, or obtain a bigger loaf, or any other of the numerous subjects to which some of them applied the unmeaning expressions imputed to them by the witnesses.

It is impossible not to regret that these two constables, who heard language so absurd and so foolish, yet so likely to be attended with mischief, should not have gone to a magistrate and disclosed what they had heard. Even if Mr. Goodwin had sent to Nottingham for a small force, when this silly riot was taking place, I think we should have been under the greatest obligation to him. As it was, they dispersed before the soldiers came; the whole of the Pentridge party, who were the most bent upon this mischief, had actually dwindled away to nothing, before a single magistrate or soldier appeared to oppose them. Is this levying war against the king or his soldiers? I remember lord Hale says, it is extremely important that these things should be checked in time; riots of every description, he observes, endanger the constitution and government, for they may arrive at that pass, that when the forces of the king are brought to suppress them, the rioters may oppose those forces. Now, was that the case here? On the contrary, long before one soldier had appeared upon the hills, these persons had repented of their long march on a wet night—they had got no bread and cheese except at the public-house at which they stopped—they were cold and hungry, and they dispersed to get their breakfast.

As these circumstances now bring it to my mind, I will here observe upon one of the most important facts which the attorney-general adduced, as proving the object of the conspiracy: my friend said, that when Brandreth talked of the expenses at the public-house, where they halted to eat and drink (which amounted to eight and twenty shillings for all this body of men), he should prove that Brandreth promised to pay the bill when the revolution should be effected, and the new government established. This important fact is negatived by his own witnesses: they prove not only that that did not pass, but that something else did pass; for he said, he would see him paid, but did not mention the revolution. What do I infer from that? That the attorney-general has been deceived; that grossly exaggerated statements have been made to him; and that, in consequence, these parties are exposed to danger. Every little miserable man, whose property has been affected or endangered by the bustle, has an interest in making the worst of what passed, and therefore you find that they represent these things which the attorney-general has been instructed to state in his opening speech, but which are expressly negatived on oath by his own witnesses. It is the natural consequence of these transactions, that the alarm of danger leads to nothing so certainly as that persons should say, “Oh, it was not merely to rob, or to plunder our pantries; it was the government which was in danger, we were in a common peril with the constitution of the country; we have lost our bread and cheese and beer, but we have been but fellow-sufferers with our sovereign lord the king.” That is the course which has been pursued on this occasion; and the difference between the statement and the evidence warrants my assertion.

I would advert, in the same line of observation, to what I said before of the prisoner being supposed to have been previously at some place where this meeting on Sunday was arranged. My learned friend the attorney-general said, that men meeting in several parties, had previously conspired to overthrow the government; that the prisoner was present; and, that from his conduct it was plain he was privy to what passed. I am not at all unwilling to rest the case upon that issue upon which my learned friend has put it. Did they intend, in reasonable language had they any thing like a practicable contemplation of subverting the government, and levying war against his majesty, the mightiest monarch on the face of the earth, with those few miserable men as their army—with even their neighbours against them—with more than overpowering resistance at every house to which they came, with the exception of a few, and particularly that where the unfortunate occurrence took place of which you have so often heard? They were defeated almost without opposition, and put down without a blow. If others had acted with the good sense and spirit of Mr. Goodwin, and above all, if those who had reason to suspect the intended

mischief beforehand, had disclosed what they knew to the magistrates, it would never have even had a beginning.

My learned friend has said, that no man who does not wish to encourage rebellion will deny that this is a levying of war. I put it to you that not only may we so argue, but that the legislature themselves expressly so declared, when they made an act to prevent twelve persons or more assembling riotously together, and declared it felony not to separate after warning given. Was not the object of that act to prevent this being called high treason? and if that statute had been attended to, if the magistrates had timely interposed their authority, the riot would have been suppressed in a moment, and no charge of treason would ever have been preferred.

I know and feel assured that my learned friend wishes these cases should be tried without prejudice; but it is extremely unfortunate that the case first selected for trial should be that which is connected with circumstances so distressing as the present. It is unfortunate even that the man first singled out for trial should appear here in this sort of disguise; not that it can be insinuated that he has meant to disguise himself from the knowledge of witnesses, for he has been instantly recognised by them all: but whether from some crazy imagination of his own, or some folly equal only to the folly of that night, he has chosen so to appear I know not, but I do think it is unfortunate that his case should be the first presented to a jury.

My learned friend has assured you, that he has no object but that this case should be fairly laid before you; and I am confident he would not for any consideration wish you to convict a man who, however criminal and unhappy, is not guilty of the particular crime with which he stands charged. I have had to observe upon the times when attorney-generals were a disgrace instead of an ornament to the profession, and when the judges intrapped men into conviction instead of affording them the defenses which the laws had provided. Such cases cannot now recur, but I think I have satisfied you that that construction of law, by which the prisoner is attempted to be convicted, was the work of bad times, that it was the creature of bad passions, that it has been in such times the base instrument of a corrupt court, and that it is a palpable perversion of the sense and meaning of a statute especially intended to protect the lives and liberties of the subjects of this country against the evils attending such arbitrary constructions.

It is not only the case of the prisoner at the bar which is involved in your decision; there are five and thirty who stand in the same predicament, for I am afraid it will be very difficult to distinguish their cases, though they may not have been guilty of precisely the same acts. I do not see how it is possible to contend, if this man's object was treason, that theirs was otherwise than treason. Will you, then, upon

the vague unsatisfactory evidence of two special constables—who give, in various respects, a different account of what happened—will you fix upon these five and thirty men the dreadful consequences of high treason? Will you strain the statute beyond its legal bearing? When its object was to exclude all constructions, how can you conscientiously extend it beyond its letter?

I fear, as I have fatigued myself, I must have addressed you much longer than it can have been agreeable to you to hear me, more particularly after the speech my learned friend addressed to you, of which I hope every word is engraven upon your memories. I have endeavoured to repeat his arguments because the mere repetition in other terms of that with which you were not conversant, may lead you to understand the whole case more perfectly.

We have treated this as altogether a question upon the statute of Edward 3rd. It is a levying of war under that statute, or it is nothing; and so I understood my learned friend to state it.

There are two other counts which resolve themselves into the first, and if this is not a levying of war against the king, then none of the counts are established; and, more particularly, as the previous conspiracy, though stated by him from his instructions, has not been attempted to be proved by any witness whatever. You have then these outrageous acts for which there is by law a punishment. You have the act of going about and seizing arms, which is a felony by the law of this country. You have the breaking open of houses in the night for the purpose of collecting them. Let the parties be tried for the offences they have committed; but I repeat again, this is not a levying of war against the king, under the statute of Edward 3rd. I submit most confidently that the act which gives you jurisdiction limits your duties, and that you are bound, by the oaths you have taken, to pronounce a verdict, acquitting this prisoner of the high crime imputed to him by this indictment.

Lord Chief Baron *Richards*.—Jeremiah Brandreth, if you wish to address any thing to the jury, in your own defence, the present is the time for you to do so.

Prisoner.—No, my lord.

REPLY.

Mr. Solicitor General.—Gentlemen of the Jury: It is now my duty to address you, and I regret extremely that in the discharge of this duty I am under the necessity of asking for a further continuance of that long and patient attention which you have paid to this investigation, although at the same time I am sure you will not think any length of time misemployed in the examination and determination of this very important case; important, not merely as it regards the unfortunate man at the bar, but

as it affects, in its result, the public at large, and becomes even still more important, in my view of it, from the doctrines and legal propositions which have been boldly advanced and laid down in the addresses which you have just heard; for if one thing can be of more consequence than another to a British subject, it is the due administration of justice, and the adherence to those distinctions, which the wisdom of our ancestors, sanctioned by the practice of ages, has established between the province of the judge and that of the jury. If, however, I correctly understand my learned friend, Mr. Denman (who last addressed you with considerable ability), he has more than once insisted, that the question now before us is one solely and entirely for your determination; that you are not only judges of the facts which have been proved in this case, but that you are to decide also upon the law as applicable to them; and that although you have the assistance of the learned judges who attend upon this important inquiry, yet that you are to dismiss altogether what they may say, or what their predecessors may have laid down respecting the law of treason, that you alone are to take into consideration the language and the meaning of the statutes which have been enacted upon that subject, and that you, and you alone, are to determine, not merely whether the acts have been committed which are charged against the prisoner—not whether he has committed those acts, with this or that intention—but whether or not, supposing him to have committed those acts, and to have harboured the intention imputed to him, those acts thus proved constitute, in point of law, a levying of war within the meaning of the statute of Edward 3rd. Such is the proposition of my learned friend—a proposition which I must confess alarmed me, because if it be true, either a great change has already taken place in the administration of justice, or it is to commence by the determination you are to arrive at upon this case.

The learned judges who preside upon this occasion are acting, like yourselves, under the most solemn obligation which can influence the conduct of men; they are bound by the oaths which they have taken, to state to you what the law is as it respects the charge which is exhibited against this prisoner. You are, and I hope ever will continue to be, as long as the administration of justice exists in this country, the sole and legitimate judges of the facts which are proved, but the law to be applied to those facts you are to receive from the judges who preside on this trial. They are to state to you, and they alone, what the law deems a levying of war within the meaning of this act of parliament; whether the acts proved against the prisoner at the bar, and the intention with which he acted, bring him within that law so pronounced, it is your province to determine; but you are not, nor can an English jury, from their education, their habits, or their course of life, be competent judges of what is the law upon the subject: it is impossible they should

be so. My friend, Mr. Denman, however, in the outset of his address to you, stated that he trusted before you came into this court you had made yourselves masters of the law of treason, because, as he chose to insist, you were the only judges on that subject.—It is on this account that, important as this case is (and God knows it is of the greatest moment), it has I think become infinitely more so from this new doctrine so laid down and insisted upon.

In this country neither the judges nor the jury are to judge arbitrarily or capriciously upon any point; the judges are not to lay down that which is not warranted by the true interpretation of the law, sanctioned and confirmed by their predecessors; nor are you, though judges of the fact, to judge arbitrarily upon it, but to decide as reasonable men, and according to the fair result of the evidence.

Keeping, therefore, distinct the provinces of the judge and the jury, I shall venture, though certainly not with the boldness of my learned friend Mr. Denman, but humbly and submissively, to state to you my conception of the law; but, concurring with my learned friend the attorney-general in what he said to you in his address, and which I am sure you cannot have forgotten, that although he should state to you what his conception of the law was, yet that you were not to take the law from him, or from any advocate; but that when you came to determine upon the guilt or innocence of the prisoner, you should receive the law from the proper tribunal for expounding it, the learned judges, and according to the law so pronounced decide. I am sure that will be your course, and although I shall venture to state to you what I conceive to be the law from the statute, and the exposition it has received from time to time from the judges, yet I desire you not to form your decision from that which I state, but reserve yourselves upon that part of the subject, till you hear the opinions of the learned judges when they come to sum up this case.

I will venture to state, and that shortly, what I imagine to be the law as it relates to the charge against the prisoner at the bar. The charge is, that he, with a great number of others, traitorously and maliciously did levy and make war against our lord the king within this realm, and that being assembled with arms in a hostile manner, they did the acts which have been given in evidence. You have heard a very long and laboured discussion by both my learned friends on the language of the act of parliament on which this charge is founded, and, if I at all understand them, their proposition is this, that unless war be levied directly against the *person* of the king, it is not high treason; my learned friend, Mr. Denman, commented at great length upon the words “levy war against the king;” and though he was constrained to admit that a different construction from that which he contended for, had prevailed, and had received the sanction of the judges at various times, and that different cases had been decided upon it, yet, feeling, as he did,

that if those cases were law, how impossible it was for him to distinguish the case of the unfortunate man at the bar from the principles of those decisions, he is, in order to get rid of them, obliged at once, confidently and boldly to pronounce, that although persons have been tried and have suffered the sentence of the law upon those decisions, yet that those decisions are contrary to law; that they are a disgrace to our books, and that the judges and juries by whom those cases were determined, committed a great error, and have been guilty of improperly sacrificing their fellow-subjects.

My friend, the attorney-general, stated to you the law as he found it laid down and expounded by one of the greatest ornaments of the bench, sir Michael Foster: the treatise of that learned judge is also found fault with upon this occasion, and is rather flippanantly treated (I mean no offence by the expression) as the discourse of a man in his closet, not intended to have a practical operation; and yet when it pleases my learned friends to have recourse to the same authority, when it happens to be in their favour, then we have it relied upon; as where Mr. Justice Foster condemns the law as supposed to be laid down in Benstead's case; so that when it suits their purpose, Mr. Justice Foster is merely a speculative writer, who is to have no influence upon the decisions of judges, but when they find that he has ventured to attack the law of a case unfavourable to them, then he is called in aid, and they venture to rely upon his authority themselves.

Mr. Justice Foster's Treatise has always been considered as one of the ablest upon this subject, and therefore I shall venture again hereafter, though at the hazard of the censure of my learned friends, to state from his book what he considers to be levying war against the king; but before I do so, I shall advert to a case brought forward by my learned friend Mr. Denman. I mean the case of Dammaree and Purchase—where the very same arguments were used for the prisoners which have been used to-day. It was there urged, that Dammaree and Purchase, though concerned with the mob in pulling down the meeting-houses, were not guilty of high treason, that they were only guilty of a great riot, because their outrage was not directed against the person of her then majesty; the time of that case too is important, because it took place shortly after a period justly eulogised by my learned friends, when our constitution received, to a certain extent, its settlement, I mean the Revolution of 1688—it was argued in that case, that levying war against the king could not be by an assembly met to pull down meeting-houses, and that the words of the statute could not extend to such a case, but were restricted to a war against the person of the king. It was answered by the Court, “that if the levying war against the king were there meant only of a war against the king's person, it would have been idle to mention it in that act, because they had before made the compassing his death to be treason;

and he that levies war does more than compass and imagine the king's death.” And it has been in all times uniformly held, that where persons assemble in a hostile and warlike manner, with a view to resist or alter the government of the country, or with any other public object inconsistent with the peace and security of the realm, it is a levying war against the king.

Great stress has been laid by my learned friends upon the authority of lord Hale upon this subject, and much discussion has taken place (improperly, I think, addressed to you, but with great propriety to be submitted to the learned judges) upon that authority. But my learned friends know perfectly well, that sir Matthew Hale, in the construction of the statute, assents to the proposition which I have laid down to you, that there may be a levying of war against the *person* of the king, and that there may be also a levying of war within this statute, *though not directed against the king's person*, if it has for its object the effecting by force a public purpose; and therefore lord Hale, whose authority is so much relied upon, is equally with the other judges of opinion that a levying war for a public object is high treason within this statute of Edward 3rd.

I said just now that I would state to you once more what Mr. Justice Foster has said upon this subject, and I shall now state it—he says, “Insurrections in order to throw down all inclosures, to alter the established law, or change religion, to enhance the price of all labour, or to open all prisons—all risings in order to effect these innovations of a public and general concern by an armed force are in construction of law high treason within the clause of levying war—for though they are not levelled at the person of the king, they are against his royal majesty, and besides, they have a direct tendency to dissolve all the bonds of society, and to destroy all property and all government too, by numbers and an armed force—insurrections likewise for redressing national grievances or for the expulsion of foreigners in general, or indeed of any single nation living here under the protection of the king, or for the reformation of real or imaginary evils of a public nature and in which the insurgents have no special interest—risings to effect these ends by force and numbers are by construction of law within the clause of levying war.”

Another learned writer, who has been greatly panegyrised by my learned friend, Mr. Cross, and from whose work he read a great variety of extracts (I mean Mr. Justice Blackstone), has laid down the law, as to levying war, almost in the same terms; he says,—“The third species of treason is, if a man do levy war against our lord the king in his realm: and this may be done by taking arms not only to dethrone the king, but under pretence to reform religion or the laws, or to remove evil councillors or other grievances, whether real or pretended: for the

law does not, neither can it, permit any private man or set of men to interfere forcibly in matters of such high importance, especially as it has established a sufficient power for these purposes in the high court of parliament; neither does the constitution justify any private or particular resistance for private or particular grievances." And then he goes on to say,—"To resist the king's forces, as by defending a castle against them, is a levying of war; and so is an insurrection with an avowed design to pull down all inclosures, all brothels, and the like; the universality of the crime making it a rebellion against the state, an usurpation of the powers of government, and an insolent invasion of the king's authority." And yet, after these grave authorities, after the law has not only been acted upon in the case of individuals, but has been laid down in works expressly written for the instruction and information of the public, you are told by both my learned friends that the present prosecution is an attempt to extend the law, and, by your verdict, to introduce a new species of treason not hitherto sanctioned by the law: that this is to be done through the medium of your verdict, and under the sanction of the judges sent here to try this offence. Whatever other discontents in the present day may exist in the minds of misguided persons, it has not yet, I think, been suspected by any one that attempts would be made by the means of verdicts of juries, and under the authority of the learned judges of the land, to introduce new laws and new penalties; my learned friends, however, with the authorities to which I have referred before them, state to you gravely, that the present is an attempt of that sort—an attempt, on the part of the crown, to introduce new laws and new penalties before unheard of, except in those decisions which my learned friend, Mr. Denman, intimates ought never to have taken place. No such attempt is, or, I trust, ever will be made; the only question which is presented to you, and upon which your decision is asked, is, whether the persons indicted have been guilty of the offence of high treason as it is at present known to the law, as it exists in our statutes, and as it has been sanctioned and recognised by the decisions of judges. If, after you shall have heard the exposition of that law by the learned judges who here preside, you shall entertain any doubt upon the case now before you, it will be your duty to acquit the prisoner; but if, after having heard that law expounded—if, after having heard the facts stated to you, you cannot, as honest men, doubt that the charge is made out, it is your bounden duty to find him guilty: and recollect that in so doing you are not introducing any new law, or any new penalty, but that you are doing that which you have taken a solemn oath you will do—finding a verdict according to the evidence.

I am extremely sorry at this late hour, notwithstanding the discussion to which this question has given rise, to detain you longer from the facts of the case; because I apprehend that,

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with respect to the law, there can be no real doubt; but, before I do so, I must advert to some observations which have been made upon the Riot act of George 1st; for you have been told that that statute has enacted (in conformity to other old statutes which had then expired), that, where a number of persons assemble together, and decline to disperse after proclamation, it is a felony; and, therefore, my learned friends argue, that if a number of persons assemble armed, although their object be to destroy the government; yet, unless a magistrate comes out and makes a proclamation, and they do not then disperse, it is only a misdemeanor; for Mr. Cross stated, that if these persons had stayed till a magistrate came and read the proclamation, they would then have been guilty of felony; but, as that did not take place, it was a mere misdemeanor, if it was any thing at all. But, according to one part of his argument, it appeared to me that his conclusion was, and I thought the impression attempted to be made upon your minds was, that because these men, taking the alarm, had dispersed before the magistrates came up, although they were guilty of the outrages detailed to you, and were armed in the hostile manner described, they were guilty of no offence at all, at most, however, of the lowest offence known to the law; that is, a misdemeanor.

Neither the Riot act, nor the statute of Edward 6th made any alteration in the law of treason—it raised that which was before a mere misdemeanor into felony; but the Riot act does not, any more than the statute of Edward 6th, require that the persons should meet armed; the offence, under the Riot act, is,—“If they are assembled together, and shall not disperse on notice;” and it says nothing of their being armed. I will refer you, however, to an authority to which my learned friends have so repeatedly had recourse, namely, lord Hale, who says, when adverting to the statute of Edward 6th (on which my learned friends have relied), “The actual assembling of many rioters, in great numbers, to do unlawful acts, if it be not in a warlike manner, or in the nature of war, as if they have no military arms, nor march, nor continue together in the posture of war, may make a great riot, yet doth not always amount to a levying of war.” And then he adds, “See the statute of 3 and 4 Edward 6th, and the statute of 1 Mary, cap. 12.” So that my lord Hale, with these statutes before him, which my learned friends say have made such an alteration in the law of treason, or have, for the first time, made it an offence for people to assemble together, says,—That the assembling of a great number of people does not amount to high treason, if it be not in a warlike manner: but what is his inference if it be in a warlike manner? Why, that then it is treason. For he goes on to say,—“If divers persons levy a force of multitude of men to pull down a particular inclosure” (that is, a single inclosure), “this is not a levying of war within this statute; but if they levy war to pull

down all inclosures, or to expulse strangers, or to remove councillors, or against any statute, as, namely, the statute of labourers, or for enhancing salaries and wages, this is a levying war against the king, because it is generally against the king's laws, and the offenders take upon them the reformation which subjects, by gathering together, ought not to do." Thus, with the Riot act of Edward 6th before him, lord Hale, on whom they rely, states that if persons assemble in a warlike manner to effect a public purpose, it is a levying war, and it is the crime of high treason, and therefore with respect to the Riot act, give me leave to say, it has no more to do with the offence under trial than with any other offence in the statute-books; for if this assembly of armed persons had for its object the overturning the government, or the effecting an alteration of the laws, notwithstanding the Riot act, it always has been considered, and is still considered as high treason.

Then, what are the points for your consideration? In the first place, what are the acts these persons have committed, and what is the evidence which has been adduced in support of those acts? My friend, Mr. Denman, has found fault with the attorney-general for having alluded, in his address, to some meetings at which the prisoner at the bar, Brandreth, was present, previous to the 8th of June. I know not whether the attorney-general distinctly stated that or not, but if he did, I think none of you who have heard the evidence can entertain the least particle of doubt, that before the 8th of June, Brandreth, and many of the persons whose names have been introduced to you, had met and had formed the plan which they were then completing;—was Brandreth unknown to the persons who were present on the 8th of June? Do you recollect a circumstance which occurred when Mac Kesswick came in? Do you remember that Brandreth did not at first recollect him, and that Mac Kesswick reminded him he had seen him before? Was this then the first time that Brandreth had been with these persons? When William Turner comes in, does he affect any surprise at seeing Brandreth at the table? What was his expression on his entering the room?—Why he asked on coming in, "where is the account of arms and ammunition you were to get." Was this, therefore, a sudden, an accidental meeting of these persons? I say then, that if my learned friend did state to you that it was probable there had been antecedent meetings, it is evident that there had and that there must have been—but sufficient for this purpose is it to show that there was a plan on that day—it is unnecessary for us to trouble you beyond that. What passed when Martin and Asbury went there? Whom does Martin find when he comes to the White Horse at Pentridge? He finds a number of persons in this house—the prisoner at the bar sitting at a table, and the whole conversation about the intended revolution; and here I

could not help feeling for my learned friends—they had a difficult and an anxious task to perform—and what is the attempt which is made to explain the term revolution, as it was used upon this occasion—these persons, who are represented to you by their counsel upon other occasions as the lowest and most ignorant, borne down by their distresses, and acting under the impulse of their misery, are supposed to be discoursing on a Sunday morning at the White Horse inn on the Revolution of 1688. As I before observed, when we have difficulties to encounter, it is frequently impossible for us to get over them. My learned friend Mr. Cross knew to what the term revolution would be considered by you to apply—but he was driven to his ingenuity to endeavour to give some plausible explanation of the word; and he can offer no other explanation than that these persons who are talking of rising the next day, are, when speaking of a revolution, referring to what had passed a hundred and thirty years ago. This is too much—it is perfectly obvious that their whole discourse that day was upon the subject of what they intended to effect the following night. But Brandreth had a map before him—can my learned friends give any explanation of that circumstance?—Had the map any thing to do with the Revolution of 1688?—Were the places marked out upon the map with reference to that event—for you remember that the places from which the persons are expected to meet the following night are marked on the map with crosses—that the places are fixed upon, and yet this relates to the Revolution of 1688. No, gentlemen, theirs was a revolution of a very different nature—wild as their scheme was, and inefficient as their means proved—and from the whole of what passed upon that Sunday, I put it to you as reasonable men, whether you can entertain a doubt that their plan then was to do that which subsequently they did—to rise on the night of Monday the 9th, and to march to Nottingham, and to endeavour to effect that which is comprised within that single word—revolution.

Their whole conversation for several hours is upon this topic; they are calculating their means, and are considering how they shall arm; and, unwilling as I am to prejudice your minds in any degree upon this occasion, yet justice must be done, and you will recollect the expressions of Turner, which have been treated with ridicule, but which appear to me very serious, about drawing the badger, meaning colonel Halton.

Mr. Denman.—No, I really did not treat them with ridicule.

Mr. Solicitor General.—Then I will pass it by; but you will remember how they meant on the Sunday to effect their purpose, and that they contemplated, in the coldest manner, the murder and bloodshed which might ensue.

You have heard much respecting the conduct of these two witnesses, and that they were

constables; they had indeed been sworn in two days before for some special purpose, but they are both men employed in the iron-works at Butterley. Who takes Martin to the place? One of the Butterley men—a man of the name of Cope; they are invited in by the people of the house. But it is said, these persons did not communicate what they learned at this meeting; why, you heard the threats, and you saw by the result how likely those threats were to be carried into execution; then, seeing the assembly so determined, and with those threats so held out to them, was it at all to be wondered at that these men should abstain from giving information?

Then it is said these men differ in their accounts; it is a trite observation, that where several persons depose to the same facts slight variations in their testimony so far from diminishing the weight of their testimony are a confirmation of their statement; for as their attention was probably directed to different parts of the transaction, one recollects one circumstance and the other another, but both concur in the main fact, namely, in the object of this meeting, that the persons present were plotting and contriving for the business of the next day, and when one of them does not recollect Brandreth moving from his place and the other does, it shows that they come here to state the truth, and that the recollection of one does not serve him to state one trifling fact which the memory of the other enables him to tell. And what struck me as the greatest confirmation of their story was that circumstance which Mr. Denman has commented upon, namely, the recollection of the verses recited by Brandreth; you observed the manner in which the first witness attempted to repeat them, he repeated two verses and could not recite the rest; the memory of the other was stronger, and he was able to recite all the lines. This, therefore, clearly showed that they did not come with a false story. Much comment has been made by Mr. Denman upon some of the lines, and that they talked of fighting for bread; but do you remember the concluding lines? "The time is come you plainly see" when, what? when we must endeavour to get bread? we are out of employment and must apply to persons to give us employment, we are starving (though you will see by and by how far that is corroborated by the situation of these persons); is that the period? no, the period is arrived—"when government opposed must be," the time is come when the government is to be opposed; and how? by an armed force collected from all parts of the country, who are to assemble on the following night, who are to compel persons to join them if they will not willingly do so, who are to procure arms by any means, by theft, by robbery, or by murder, and having so done, to march to Nottingham, join another party there, and take the town of Nottingham.

Then, what is fixed at this meeting on the Sunday? that they are to meet on the Monday

evening, the Southwingfield people to go to Hunt's-barn, and the Pentridge and Ripley people to join them in their progress; but there is a fact stronger than any of those I have mentioned, which cannot leave a doubt upon the mind of any man that this was a long preconcerted and prepared scheme—how came they with pikes upon that occasion? when were those pikes manufactured? were they manufactured upon the Monday or the Sunday in expectation of their rising on the Monday night? I say that fact shows to demonstration, that this was not a sudden ebullition upon their part for the purpose of getting bread, but that the plan had been long contemplated; and that this was the time chosen, under the direction of the man at the bar, to effect their purpose. I therefore say that no man alive can doubt, after the meeting on Sunday, after the expressions then used, after the preparations which had been made, that this was a long preconcerted scheme of these persons; and that rating their numbers higher than they really were, and trusting that they should be able to effect more than they were enabled to do, they thought the time was arrived when government could be opposed, and it was fixed by Brandreth and the other conspirators, that the rising should be on Monday night the 9th of June.

What is the next step in this proceeding? what takes place on the Monday? I am sure you will excuse me at this late hour (particularly as you will hear the evidence so fully recapitulated by his lordship) if I do not trouble you with every expression used, and every circumstance that took place; but they all have one object and one tendency, namely, that these persons were to oppose the government and to effect a revolution.

On the Monday evening, Brandreth and others assembled at Hunt's Barn; there were many pikes brought, and some of them had fire-arms; but they were deficient in fire-arms; they then proceed in their progress; and there is a fact worthy of your attention, that it was intended they should be at Nottingham between two and three in the morning. They began meeting about nine or ten on Monday night, at Southwingfield. I will not, however, take you to all the different houses to which they go, but it is most important for you in forming your conclusion, to attend to all their acts on the evening of the 9th, since they all show that these persons were acting for one common purpose, and towards one common design, and that that design was, the overthrow of the government, and a revolution.

With respect to the acts of these conspirators (for so I call them) on the 9th of June, I think some of them are first spoken to by Shipman, who saw Brandreth and George Weightman, and one or two others in Pentridge, going towards Hunt's Barn, and Brandreth then said there would be a meeting at the old barn, of Pentridge, Crich, Wingfield, and Alfreton; that there were arms and ammunition there,

and more would be taken in their way to Nottingham; that a band of music would meet them, that there were thousands more, and so on. They do accordingly meet at Hunt's Barn, and I think that a witness of the name of Turner said, that either at Hunt's Barn or at Pentridge, I am not certain which, George Weightman said they expected an engagement at the Butterley works, which circumstance I beg you will keep in your recollection till I come to the transaction at Butterley, for it shows that at that time Weightman was aware of Mr. Goodwin's preparations at Butterley. They meet at Hunt's Barn; they are then marched to Hardwick's, to Tomlinson's, and I think they procure arms at both places; they then go to Elijah Hall's, where you will recollect the scene that took place; they not only procured arms there, but they insisted upon young Mr. Elijah Hall's accompanying them; and I think there were expressions, either there or at Tomlinson's, that a great gang from Sheffield, and a cloud from the North would come in the morning and sweep all before them. So that they not only were themselves assembling in this part, but they either expected or held it out by way of terror, to induce persons to join them, that other risings of a similar description were taking place throughout the country, and that the Sheffield or the Yorkshire people would compel them to go with them in the morning if they did not that night. They then proceeded to Walker's, where they procured arms, and amongst the rest a pistol, which this unfortunate man at the bar is proved to have afterwards tucked into his apron, which served as a belt.

At all these houses their acts are of a similar nature; they are for the purpose of procuring arms and men; they then go on to Bestwick's, and to Samuel Hunt's, where they meet with a more friendly reception, and then proceed from Hunt's to the house where that melancholy transaction, the death of the servant of Mrs. Hepworth, took place. I am as far as the attorney-general from wishing that that circumstance should be taken by itself at all to operate against the prisoner at the bar in this prosecution, but it is a fact which cannot be overlooked; for, what was the reason the man was shot? were they to procure bread by force? did they ask for bread and for provisions at this house, and were they refused? was their object that which my learned friends Mr. Cross and Mr. Denman state to you, merely to go to Nottingham to procure food? was that a motive which would have induced them to commit this dreadful act? No, it was in furtherance of their common object of levying war against the government, and it shows that they were prepared to repel all opposition that should be made to their views, and that if the end proposed could not be accomplished but by the murder of their innocent fellow subjects, they were not to stop short even of that crime for the accomplishment of their common design. I say, therefore, although you are not

to try this man as for murder, and though that crime is not to influence your minds to find him guilty of the offence now imputed to him, yet it must be taken into consideration as part of their conduct, and as showing that they were prepared at that time "to levy war" against all those who should oppose their designs, and that if their designs were obstructed, murder might be committed, and that too without compunction, for the expression of the unfortunate man at the bar upon that occasion was, "that it was his duty to do that which he did;" what! was it the duty of these misguided men,—misled, if my learned friend will have it so, by those publications which he says have been spread throughout the country, and which for aught I know, might have operated upon their minds in conjunction with other circumstances—was it, I say, their duty to commit every act of desperation, whether it was robbery or the destruction of their fellow subjects, in the accomplishment of their common design?

But I will not dwell upon that part of the case, lest that fact should operate upon your minds further than as it forms a part of the transaction, and as it shews what they were prepared to do in case of resistance to their views; further than that, I desire you not to consider it, and I wish you to try this case as my learned friend Mr. Cross desired you to do, in the same manner as if it was that of any of the other conspirators; for if any other of the conspirators were upon his trial, this fact to which they were all accessory and all consenting must appear, it being done in prosecution of their common purpose, and indicating to what pitch they were prepared in case of opposition to go.

After this event they proceed with the same desperate resolution to the different houses which they afterwards attacked in their road. First, I think, to Mr. Fletcher's; from his house they proceed to Pentridge-lane-end, and there you find they are regularly formed and organized, and put into ranks. Upon this part of the case some light remark was made by my learned friend Mr. Cross, about "the word of command" and "the lock step." But this is too serious a case in my view of it, to admit of any light remarks; these words of command and the arrangement which was made, form a very material and important feature in the case; it shews that they were organizing for resistance—that they were marshalled in regular array; the musket men in the front, the pike men in the next row, and other musket men in the rear, so as best to oppose any force sent out to meet them; that is a circumstance which in some of the old writers is considered as an important feature in levying war: part of them then go to Buckland Hollow, others of them go up to the town of Pentridge, and at Pentridge a very important part of the transaction takes place. Their scheme was, to go to Nottingham, where they were to be joined by a force there collect-

ing, and therefore in Pentridge town George Weightman was despatched to Nottingham; for what purpose I think you can easily infer; one of the witnesses indeed stated that it was to bring tidings, and to meet them at Langley-mill.

From thence they proceeded to Butterley, and it was with reference to this part of the case that I desired you to recollect the previous expression of George Weightman, as shewing that they were aware of preparations at Butterley to resist them, and that they expected an engagement; the fact is, preparations had been made, though many of the persons who had been assembled there had dispersed before the arrival of the insurgents, thinking that they would not come; but Mr. Goodwin states, that during the evening he heard guns fired, and horns sounding, and different noises, all indicating a disturbed state of the country; there were a hundred in the first division. Mr. Goodwin, with a resolution and firmness which do him infinite credit, opposed their designs, and prevented their taking any one from Butterley Works, and he came out, reasoned with them, and represented to them the peril in which they stood. They said they wanted men; he said, "You have too many already for the purpose you have in view." What purpose did Mr. Goodwin conceive they had in view?—Did he conceive, with my learned friends, that this was a mere assembly of unfortunate manufacturers, who had been reduced to distress, who wanted food, and that they were merely marching to Nottingham to procure labour and sustenance?—No, no, Mr. Goodwin knew their purpose too well, and he accordingly told them, "You shall have no assistance here; you have too many men already." Brandreth, upon this remonstrance, knowing there would be resistance, and anxious to have no unnecessary delay in his march, gave the word, and the party immediately marched off with him. Mr. Goodwin endeavoured to prevail upon two or three men to leave them, but you recollect the expression of old Ludlam, "that he had gone too far, and must go on." One or two others, who were actually forced into their ranks, did take advantage of this opportunity to make their escape into the office, and proceed no further.

From Butterley they proceed down to the turnpike-road, and their numbers then became very considerable, for when they got to Codnor, one of the witnesses, Hole, stated that they were two or three hundred. Do we want evidence of their purpose beyond that already given?—Can you divine any other purpose than that which they stated on the Sunday?—namely, that they were going to Nottingham to overturn the government. If you can recollect Bacon's speech, in the kitchen at Codnor, you can no longer have any doubt on your minds. He there addressed the people, and said—"government had robbed and plundered them of all that they had; this was the last shift they ever could make, and they must

either fight or starve!" Have you any doubt after that expression of Bacon what their object was?—At Codnor they are joined by Barnes, who came from Swanwick, a perfectly distinct place. How came Barnes there with the people from Swanwick?—what induced him to join them there?—is not this also a confirmation of the scheme you heard detailed on the Sunday, that they were to rise in different places, and to meet and march together to Nottingham? He accordingly, in pursuance of that plan, comes and meets them at Codnor, with the Swanwick men, and he also avows the purpose for which they were to march to Nottingham; for in the conversation he had with Hole on his way to Nottingham he said "that they had fixed a fresh government at Nottingham, and were going there to defend it; that it was all over in London, for by a letter he had seen the day before, the keys of the Tower would be given up to the Hampden Club party, if they were not already." Are these the expressions and the conduct of persons who were merely influenced by the misery of their situation and the want of food, to collect together in a body in order to proceed to Nottingham to relieve their wants? Do persons, if that is their only object, talk of a new government—of the parliament house being pulled down—and other matters of the same sort?—I say it is impossible. I am really wasting time in dwelling upon these points, but in a case of this sort it is desirable that you should have the clearest evidence, and that you should not be left to conjecture what their object was; you have it here confirmed, by every expression they used, by every act which they did, after their meeting at Pentridge, and in the whole course of their progress towards Nottingham.

But what is passing at Nottingham during this time? they were to be at Nottingham between two and three in the morning; they were delayed in their journey, and could not effect their purposed arrival there at that hour;—but before I observe on what was passing at Nottingham, let me proceed with them to Langley-mill: when they came to Langley-mill, they met with the very person who had been despatched from Pentridge, George Weightman, and at the very spot at which he was to meet them; one of the witnesses stated that Weightman had a private conversation with Brandreth when he came up; it is difficult to conjecture what that conversation was, except from their subsequent acts; the representation he himself made was certainly untrue, that Nottingham was taken; but probably having proceeded in treason too far to retreat, he and Brandreth agreed to tell their followers that Nottingham was taken, and that the soldiers were in their barracks; and their object in so doing must have been to keep the party together, and to prevent their falling off, for you find that very soon after they did begin to desert.

They then proceeded to Eastwood; it had

become at that time light—indeed it had been day-light long before, as it was approaching nine or ten o'clock; at this time the military were seen advancing, and the insurgents thereupon dispersed: but what passed at Nottingham at that critical hour two o'clock, when they were to have arrived at Nottingham forest? was that all a fable on the part of Brandreth and these different persons? were they to march to Nottingham forest to meet nobody? had there been no previous contrivance, and no previous plot with the Nottingham people? you have it in evidence, that a party of forty or fifty, and afterwards an hundred, assembled at Roper's house; and how armed?—with pikes and guns, the same instruments as the men from Pentridge and Swanwick, and other places in that neighbourhood were armed with: can you have any doubt then that it was in pursuance of the same plan, and part of the same conspiracy?—it shews most clearly, that though at Nottingham their force was much inferior to what Brandreth represented to his followers, yet that there was an actual meeting of a considerable body of men, armed in the same way, and having recourse to the same means to procure fire arms. Roper indeed resolutely resisted them, but the whole shews that they were acting for one common purpose, namely, that which had been declared by Brandreth and the rest of them at Pentridge before they set out.

Then, are not the two only points for your consideration made out? Have not these persons met in hostile array? have they not marched for a considerable distance in regular order, and like a military force? are these things proved? do you believe the witnesses that these things passed? the acts themselves are proved, and are not attempted to be contradicted in evidence by my learned friends; their only resource is, to endeavour to lessen the offence, and to dilute it into a misdemeanor, instead of high treason. I say we have proved the acts; then if we have proved them, the next and the only point for your consideration is, with what intent were they done; were they done for the purpose and with the object of overturning the government and of introducing a revolution, or had they any other object which human ingenuity can suggest or invent? I thought my learned friend Mr. Cross almost admitted their object, when he descanted to you upon those publications which he said had been actively distributed throughout the country, to the amount, I think, of forty-four thousand during the winter; and my learned friend the attorney-general received a lecture from Mr. Cross, for not having prosecuted this supposed libeller and suppressed the publication, though it turned out afterwards by the concession of Mr. Cross, that the secretary of state had interfered, but that the arts of these persons were superior to the exertions of the civil power. My learned friend says, that by these publications, the minds of persons suffering want and privation

were corrupted, and that some artful disaffected persons were thereby endeavouring to stir up disaffection among them. So that it is admitted that these pamphlets had had the effect of stirring up a treasonable spirit; but when it is found that they proceed to hostile acts, then indeed my learned friend would endeavour to persuade you that it was not the effect of this discontented spirit, which he admits had been excited throughout the north by means of these seditious pamphlets; that it did not arise from this spirit of disaffection, or from a view to change the government, but that it is a mere riot by a parcel of mechanics thrown out of employment, and incapable of getting sustenance. Is there any evidence of this? who are the men composing this assembly? are the Butterley men out of employment—were they called upon to join this party, because they wanted sustenance and food? if it was meant to apply only to persons upon that ground, why should they have recourse to the Butterley men? they had food and raiment, they were in constant employment, they were not in want, and yet you are asked to believe, that the only object they had was that of procuring food, and that they were entirely incited to these outrages by their miseries and their misfortunes.

As I said before, when difficulties like these occur, we are obliged to have recourse to ingenious theories to account for them, though to common understandings, they are perfectly clear; for I cannot help thinking, that, in spite of these ingenious theories, you cannot, for a moment, have had your minds led aside from that which was the declared and avowed object of these persons—declared and avowed from the very commencement, to the close of these transactions; for, whether you begin with them at the White Horse at Pentridge, or pursue them in their course the next night, you find their avowed object, their declared purpose, is the overturning of the government.

It is not an immaterial fact, I am sure, in this case, but one which will not escape you, that you have persons from different places all associating for one common purpose; that Brandreth, who went by the name of the "Nottingham Captain," is a person whom they had from Nottingham, for the purpose of leading them to that place, and where, as it appeared from the number assembled at Nottingham Forest, there were other persons, wicked enough to enter into these treasonable and wicked designs. In addition to the fact of what took place at Nottingham Forest, you have the evidence of Mr. Rolleston the magistrate, and captain Philips, of the state of Nottingham and its neighbourhood, during the evening of the 9th, and the morning of the 10th; and you have from Mr. Goodwin evidence of what passed in his neighbourhood during that night; all concurring to show that there was an unusual agitation prevailing at different places at the same instant, evidently proceeding from the same cause.

I believe I have now glanced at most of the material facts which have been proved in this case. I have stated to you more than once, that which I am sure you will not forget when you come to perform the very important functions which at present devolve upon you, that you are not the persons appointed to judge of the law; what is the law upon this important case you will receive as you are bound to do from those learned persons to whom the constitution has delegated that authority, who, as I before stated to you, are acting under the same sanction with respect to the exposition of the law, as you are with respect to the judgment you are to form upon the facts, and upon the application of the law to those facts; and I am perfectly confident that whatever commiseration you may feel for the unfortunate individual who is placed at the bar, however much you may be inclined to regard (although it forms no part whatever of your present consideration) the other unfortunate persons who are named in this indictment—I say, whatever commiseration you may feel for this unfortunate prisoner at the bar, or, as my friend Mr. Denman has stated to you with great address in the close of his speech, however much you may wish that these persons should not ultimately escape unpunished—these are not matters for your present consideration, the question before you is, has Brandreth been guilty of the acts charged upon him in this indictment? if he has, then, gentlemen, you have a superior duty and superior motives to look to than commiseration for an individual—you have, give me leave to say, entrusted to you the future safety and well-being of the public at large. However novel—and thank God it is novel—the commission of this offence, yet still, when committed, it is one of the greatest magnitude, affecting not merely individual but our public security and happiness; do not be led away, therefore, by any notions that this is an attempt to introduce a new crime or a new offence—it is an offence known to the law as long as the law has existed, although we have had the good fortune not to have experienced its frequent commission. But if upon calm deliberation and a cool consideration of all the facts of this case (for by those alone your judgment is to be guided) you find the conclusion inevitable that the acts charged against the prisoners were committed, and that they were done for the purpose which is imputed to them and which they themselves avowed, however much you may feel for the individual, however you may commiserate his situation and that of his accomplices, you will recollect that you have a higher and superior object to attend to, namely, the due administration of justice and the future safety of the kingdom.

Lord Chief Baron *Richards*.—Gentlemen of the jury, this trial has already taken up a considerable time yesterday and to-day, and it is my duty to sum up the evidence to you with

such observations as may occur in the course of stating it. That cannot be done without a considerable employment of time; as you cannot go home to-night in any event, there will be no inconvenience in adjourning till to-morrow morning that I may perform my duty. You have already given a great deal of attention, and perhaps you will be better prepared to give that attention which is still necessary to-morrow, than this evening: as to myself, I am not of course more strong than I was in the morning, but I should be able to go through—however if it is equally convenient to you I think it will be upon the whole better to proceed in the morning. Consider of this gentlemen, and let me know what is your wish upon the subject.

Foreman of the Jury.—My lord, we wish to adjourn to the morning.

Lord Chief Baron *Richards*.—I believe gentlemen, that will be the best for you, for me, and for the ends of justice.

[Adjourned to to-morrow morning eight o'clock.]

Saturday, 18th October, 1817.

Jeremiah Brandreth was set to the bar.

SUMMING UP.

Lord Chief Baron *Richards*.—Gentlemen of the Jury;—I have now to request your attention while I state to you the evidence that has been adduced upon this trial, and suggest such observations as occur to me upon the subject. In order to relieve you from any apprehension—such as has been attempted to be excited in your minds—that the judges will at all interfere with your province, I beg leave to assure you, that no judge upon this bench has now, nor ever had, any more inclination to trespass upon your province, than the learned counsel himself can wish that they should.

The prisoner at the bar, *Jeremiah Brandreth*, otherwise called *John Coke*, otherwise called the *Nottingham Captain*, is charged by the indictment before you, with the crime of high treason. That crime has been truly described to you as the highest known to the law of England; indeed, it may perhaps be said, to include every other crime, and therefore it requires, most particularly, that which it has already received, great patience and attention on the part of the jury; but it is to be tried by the same rules which govern other cases; you are to consider and weigh the evidence, and to decide according to that evidence, applying it to the law as you shall understand it, from the best opinion the court can form upon the subject. You will address yourselves to this duty, with all the impartiality which I am sure belongs to you, and you will find your verdict according to that evidence, however painful it may be. Should you feel yourselves compelled to find the prisoner guilty, you will

have no hesitation in doing so, if you are of opinion that he is guilty, for you are to find a verdict according to the evidence. If on the other hand, you find him not guilty, you will satisfy your consciences by your verdict, and you will receive great pleasure, and so will every person who hears you. The verdict, whatever it may be which you give upon this subject, will, I am satisfied, be agreeable to the evidence.

This crime being to be tried like all other offences, I now proceed to describe the nature of the charge. The indictment states in the first count, that the prisoner, with divers other persons, being traitorously assembled and gathered together against our lord the king, wickedly, maliciously, and traitorously, did levy and make war against him within this realm, and being so assembled together, arrayed and armed against our lord the king, did then, with great force and violence, parade and march in an hostile manner, in and through divers villages, places, and public highways, and did traitorously attempt and endeavour, by force and arms, to subvert and destroy the government and constitution of this realm, as by law established. That is the charge in the first count, and upon it this question will arise in point of law—what is the levying of war, according to the true construction of the act of parliament which has been so often referred to?

The second count charges him with having, with divers other persons, compassed, imagined, invented, devised, and intended to deprive and depose the king of and from, the style, honour, and kingly name of the imperial crown of this realm, and with manifesting such his compassing and imagination by the commission of divers acts tending to the accomplishment of his design. We cannot know what passes in a man's mind, except by his acts or declarations.

There is another charge, viz. that he and other persons conspired to levy war against the king, in order to compel him to change his measures. Under that count the indictment sets forth the same acts as are applied to the second charge, which acts will appear, as we proceed in the course of the statement of the evidence, to be attempted to be proved. You will say whether they are satisfactorily established.

It is very important that you should understand clearly what is meant by the terms "levying war against the king." It must be levied against the king in his realm. The words may apply to divers things, but I shall not trouble you by stating how many things may be considered as a levying of war within this act of parliament: I shall endeavour, by very shortly stating to you the law, as I understand it to be unquestionably settled, to make the meaning of the statute very clear, so far as it relates to the acts which are given in evidence before you, and then you will consider whether the acts so proved bring the prisoner within the law as I shall endeavour to state it.

The act of parliament in which are the words levying of war, which are now to be construed, is the statute of 25th Edward 3rd. The act runs thus—"when a man doth compass or imagine the death of our lord the king," and so on, enumerating some other things which are not now the subject of consideration, "or if a man do levy war against our lord the king in his realm," he is guilty of high treason, the words are—"if a man do levy war against the king in his realm." Then the question is, what is levying war against the king in his realm? Now, I will read to you an exposition of this law, in words which are very short and very clear, and being short and clear I rather prefer to adopt them, instead of my own, which perhaps might not be so clear.—"If there is an insurrection, that is, a large rising of the people, in order by force and violence to accomplish or avenge, not any private object of their own, not any private quarrels of their own, but to effectuate any general public purpose, that is considered by the law as a levying of war." There must be an insurrection; force must accompany that insurrection; and it must be for an object of a general nature; but if all these circumstances concur, that is quite sufficient to constitute the offence of levying war.

I think I may venture to state to you from the best information I have been able to acquire in the course of a pretty long life, from the decisions of Courts of law, and from the opinions of sir Matthew Hale, Mr. Justice Foster, lord Coke, and every other lawyer who has written upon this subject, that what I have now stated to you is the correct result, and a faithful declaration of the law. If there is an insurrection, that is, a large rising of the people, in order by force and violence to accomplish or avenge any private object of their own, that would not be high treason, that would not be levying war against the king; but if it be to effectuate any general public purpose, that is considered by the law as a levying of war. There must be an insurrection; force must accompany that insurrection, and it must be for an object of a general nature, but if all those circumstances concur—insurrection, force attending it, and the object of a general nature—that is quite sufficient to constitute the offence of levying war.

It must be a public object; therefore tumults which have a private object, and in which the parties have in view merely private individual interests are distinguished by the statute itself from attacks on the regal authority of the realm. If, therefore, it should appear, as indeed has been contended, that the insurrection or tumult under consideration, was only the effect of a prevailing spirit of tumult, violence, or disorder directed to any private object, or any thing but an attack aimed at the royal authority of the realm; that would not be high treason; and no person who administers the law will ever, I trust, attempt to confound tumults of the sort I have mentioned with treason.

which is an attempt to overturn the established government of the country, as for instance, in order to put a plain case, and in putting which I am using the words of a very great judge;—"if a body of men assemble together, and with force destroy a particular inclosure, for instance, that is not an attack of a general nature; it is a high misdemeanor, but not treason; but if they assemble with force to put an end to all inclosures, that is of a general and public nature, and it constitutes treason;" if there should unfortunately be an assemblage of men with force to destroy a chapel or other obnoxious building, that being confined to a particular object, would not be treason; but if the same power was applied to destroy all chapels, or all offensive buildings, that has been held clearly to be high treason.

Now, the law, as I understand it, being so, I will proceed to state the evidence, and I request you to consider whether the transactions of which you have heard were the effect of a wild violent tumult, however improper and disgraceful it might be, for a particular purpose, or whether it was for the purpose of altering the measures of government, or destroying the government. I state for your information, without any doubt of the truth of the proposition, that it is treason to raise an insurrection, to reform any national grievance, to alter the established law or religion, to punish magistrates, to introduce innovation of a general concern, to obstruct the execution of some general law, by such an armed force as has been described by the evidence, or for any other purpose concerning the government of a public and general nature. And the sense of it is very clear—insurrections of this nature, though not levelled directly against the person of the king, are yet an attack upon his regal office, and on the majesty of his government; they tend to dissolve all government, society, and order; for the king is bound in duty to enforce the acts of the legislature, and uphold the laws; any resistance, therefore, to this, must in its consequences extend to the endangering of his person and government, by involving the state in a general destruction; and in this view this species of treason falls properly and necessarily within the clause of the act of parliament as to levying war against the king. You will have the goodness to recollect what I have given you the trouble of hearing from me; and if I have made myself understood by you, I think you will have very little difficulty in comprehending the nature of your duty upon this important occasion; the duty itself I am sure you will discharge faithfully.

There is, as I told you before, in the indictment, another charge; indeed there are two other charges, which are founded upon a late act of parliament, made in the thirty-sixth year of his present majesty's reign, and which is to last no longer than his majesty's life, and a little time afterwards,* but during that period it is the law.

"If any person shall, during the natural life of the king, and until the end of the next session of parliament after a demise of the crown, within the realm or without, compass imagine, invent, devise, or intend death or destruction, or any bodily harm, tending to death or destruction," and so on, "or to deprive or depose him from the style, honour, or kingly name of the imperial crown of this realm, or of any other of his majesty's dominions or countries, or to levy war against his majesty within this realm, in order, by force or constraint, to compel him to change his measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe both houses, or either house of parliament,"—then there are other particulars stated, and then the act decrees that if any man shall declare, by overt act, such intention, he shall be guilty of high treason. These are stated as two of the charges in this indictment; and the question is—Whether the prisoner at the bar is or is not guilty of any one of these three charges?

The first witness called on the part of the prosecution is Anthony Martin. You recollect that the evidence is all on one side—there is no testimony on the part of the prisoner—no attempt even to contradict any of the witnesses for the prosecution—many of the witnesses for the prosecution have passed even without any cross-examination—the learned counsel in their speeches have, as they were at perfect liberty to do, endeavoured to throw imputations upon some of the evidence delivered by some of the witnesses; and there is no doubt, that though there is no evidence to contradict the testimony on the part of the crown, you are bound to examine that testimony, and to see whether it demands that degree of credit in your minds on which you ought to act: Anthony Martin says, he was in the service of Messrs. Jessop and Company at Butterley—we know that they were iron-founders—this was a mile from Pentridge. He says, that on Sunday the 8th of June he went to Pentridge with John Cope, who was in the same service with him—they went between nine and ten o'clock in the morning. This man, it appears, was asked by Cope to go along with him—that he wanted to see about his potatoes, and that he then told him he had some business there—that they went into Weightman's croft, and after some little time, a little girl came out, and asked Cope his companion to go into the house—she did not ask him he says, but he went into the house along with Cope. The witness proceeds to say, that "they asked us to walk into the parlour—we found in the parlour a good many persons, and amongst them one called the captain—his name I afterwards found to be Brandreth"—he looks at the prisoner at the bar, and he says that the prisoner at the bar was the man whom he found there, who was called captain—he says "many men came in after I came in—the dress and appearance of the prisoner were different at that time from

* Made perpetual by stat. 57 G. 3rd, c. 6.

what they are now—he had on a pair of grey trousers and a brownish great-coat—he was shaved, and, as the witness described it, “he looked decent”—he says “there were others there”—George Weightman, of whom you have heard a good deal, Ormond Booth, two persons of the name of Joseph Weightman and Thomas Weightman. “When first I went in I found those persons there, together with the prisoner—afterwards William Turner came in—when Cope and I first came into the parlour the conversation was about the revolution.” You may, perhaps, ask yourselves, what they meant by the revolution of which they spoke—did they speak, as has been suggested, of the glorious Revolution in 1688?—that would be perfectly innocent, and it might be laudable; but we must consider whether that was the revolution of which they spoke, or whether they alluded to any other, and if so, to what—he says “the prisoner was the principal spokesman—he had a map in his hand—he pointed out the places upon the map where the people were to meet, and he said there would be no good done except there was a complete overturn of the government.” That, gentlemen, is hardly consistent with any allusion to the revolution under king William the third in 1688. He had a map in his hand, pointing out the different places at which the people were to meet, and he said no good could be done, except there should be a complete overturn of the government—he said there were crosses or marks upon the map to find out the places the more easily—other men came in, as he said before, and as they came in, they asked the captain different questions about the present business, namely the revolution. “I knew Shirley Asbury: he came in a little after me—the prisoner sat near a table in the centre of the room, and many questions were asked about the present overturn, and the state of the country, and what proceedings they were to go about in this business—the talk was all about this business—they all answered one among another, they were to take proceedings, as they declared, to overturn the government, or else there would be no good; that they were to assemble the next day,” that is Monday, “as soon as it was dusk—the Pentridge people were to meet at Pentridge, the Wingfield people were to meet at a stone-quarry. The village of Wingfield is about two miles from Pentridge.” Then he said, that “Brandreth said that they would go to Nottingham Forest—that they were to assemble together, and to meet there in a large party and to take the town of Nottingham—that they were to meet in the Forest about two in the morning of Tuesday—the other people, that is to say, all the country round, were to rise at the same time, at ten o’clock. Then the prisoner said, that what they meant by the other people, and all the country, was Sheffield, Manchester, and many other places.” The witness does not recollect what those places were, except Sheffield and Manchester, and

other places, where the rising was to be at ten o’clock, and that the prisoner was the person who named those places at which the risings were to be at ten o’clock the next night. William Turner, he said, came in after him. You will have the goodness to attend to this.—“William Turner asked about the guns and pikes—where they were; and he asked for their estimate of the guns and pikes. The people there said they had none; then he said his parish, Wingfield (he was a Wingfield man), was more forward than theirs, he said he had got an estimate made of every gun, pistol, and sword, that the parish had.” You remember (and I shall repeat it to you by-and-by), attacks were made on the houses in the parish of Wingfield, and a declaration on the part of those who made the attack, of the number of arms that they had got; “of every gun, pistol, and sword, that the parish had. William Turner wanted to know the reason why they had not done the same:” no reason appears to have been given for that according to the evidence. “Then Turner said they had forty pikes in a stone quarry to spare; they then talked about seizing arms, and going about to demand arms; and it was declared, that if the persons, of whom they demanded arms, did not deliver them, they were to take them without their consent; this was said by Ludlam to William Turner and by Barker,”—he says he was there from ten in the morning till three or four in the afternoon; he left some people there at that time; he says, “Many persons, during the time I was there, came in, whom I did not know; but this was the subject of the conversation during the whole time that I stayed there. I had not known the prisoner before—I never saw him, but they called him captain.” Then he says, “the prisoner was the person principally applied to, by the questions that were asked. He does not recollect George Weightman saying any thing; there were in the room, in the course of the day, forty persons; about twenty at one time. Robert Moore was there; he was a Ripley man. Mac Kesswick was there; witness says he had not seen him before. Ripley is a mile and a half from Pentridge. John Bacon was there; he was a Pentridge man; he says he does not recollect all that the prisoner said, but he recited some verses.

“Every man his skill must try,
He must turn out, and not deny.
No bloody soldiers———”

and there, if you recollect, the witness stopped; he endeavoured to recollect more, but could not. He says “that two persons of the name of Joseph Weightman were there; the elder of them was to go to Nottingham to see what was doing there, and there was money collected in the room in order to defray his expenses. The object of sending him there was to see whether the people there would be ready to meet the party then assembled and their companions at a proper time, and Weightman was to return and let the party know. Nottingham is fourteen

spiles off;" he says, "the prisoner wrote a letter and delivered it to Weightman to send it by him to some person at Nottingham. When Mac Kesswick came in he looked round the room, and said he thought there were too many for that business; but nothing was done in consequence of that observation. He asked the prisoner how he did; the prisoner did not recollect him, and Mac Kesswick said, I came with you a little way along the road, and he then recollectd him. That William Turner talked of drawing the badger; that, by lighting a little straw in the yard, he would come out, and that then they would shoot him: this was in Wingfield parish. William Turner said, we have some little vermin to kill in our parish also, and we must kill it before we set out. The prisoner was in the room the whole time, except a minute or two, and heard all that passed; he spoke to most of the persons that came in: George Weightman and others called him captain."

Mr. Denman.—I beg your lordship's pardon, Turner himself was a Wingfield man, he was not speaking of any other parish—Wingfield was Turner's parish.

Lord Chief Baron Richards.—"William Turner said, we have some little vermin to kill in our parish also, and we must kill it before we set out," meaning Wingfield parish.

Then this person says, upon his cross-examination, that "he stayed there hearing their discourse—they spoke openly, and they set all people at defiance, and said they did not care who heard them." This man adds, that "he knew nothing of the meeting until he got to it, he told them after he had been there some little time, to mind, because there were constables in the room, and they threatened to put him up the chimney;" the man says, he was himself a constable, and he said nobody called him a spy, and nobody made any objection to his being and staying there—he did not know whether at first they knew he was a constable, but the woman of the house knew he was: he admonished them about what they said, he had been in the room about a quarter of an hour before he gave them the caution of his being a constable; there was another constable in the room—there were sometimes more people and sometimes less in the room; sometimes not more than half a dozen. Perhaps, when they talked of going to Nottingham, there were several persons in the room whom the witness named, and the prisoner was amongst the rest;—the prisoner delivered out some papers himself, Cope and Asbury had each of them one; he says he had not one when he told them of the constables being in the room—they were talking of the present revolution and to the like effect. George Weightman said, he would soon cram such fellows as the witness into the chimney, but, notwithstanding that, they suffered him to remain all the time; he said all of them threatened him very hard, they talked of shooting any man who would say anything

about them—he was not frightened enough to go away, but he was alarmed, and he did not wish to go before, the man with whom he went he believed had something to do with it. Then he says, though he was a constable he did not go to a magistrate, but it was known that he was there, and therefore he was called upon to give evidence; he says he did not know exactly what they were going to do, but they talked of what they were going to do in the manner he had described; he does not know whether any of the people in the room were out of employ at that time, he was himself perfectly sober and so were they all, every one of them as far as he observed; he says he understood that the prisoner had been there the night before—he saw no arms there.

He was re-examined, and said he was made a special constable a few days before.

With respect to the conduct of this special constable, one cannot say much of his disaffection, or the propriety of his conduct, in not giving information immediately on leaving the room; he did not do that, it is true, but that is not a question for you or for me to consider in this place, any otherwise than as it may affect his credit. If you think, from the manner in which he delivered his evidence, that he spoke the truth, what he has said is very important in this case, in order to show what the object of the parties was; on the other hand, if you doubt his veracity, you are exercising your authority, your rights, and your duties properly in excluding his testimony, and not giving it credit. Whether there was any thing in his manner that created any doubt is more than I can say; you saw the manner in which he gave his evidence, and if he spoke the truth that evidence is very important. He told us that Shirley Asbury came in before him.

Shirley Asbury is next called; he lives at Greenwich, in the parish of Ripley, and is in the employment of Messrs. Jessop and Co. of the Butterley Works; he says that at twelve o'clock on Sunday morning, the 8th of June, he went to the White Horse, Mrs. Weightman's; he went with another man, John Elden; they first went into the kitchen, then Mrs. Weightman went into the parlour, and told the men there, that there were two men from Butterley there—they told her to bid them come in; they went into the parlour and found about twenty people there; John Coka was there, Anthony Martin, William Moore and John Moore, (Ormond Booth, George Weightman and his youngest brother, Mac Kesswick and the prisoner were there, the prisoner sat as the witness was going in with his back to the door—he had a map before him—he was pointing out the places where he and his party were to meet; then he spoke some verses, some poetry, and this man repeats it to us,

"Every man his skill must try,
He must turn out and not deny,
No bloody soldiers—"

The other man stopped there.

"No bloody soldiers must he dread,
He must turn out and fight for bread;
The hour is come, you plainly see—
The government opposed must be."

They said that no good could be done, till they had overturned the government; and they declared that they had no doubt that they would succeed in what they were going to do; they talked this amongst each other, and said that every village and every part around them was to kill their own vermin; they mentioned no names then, but they said they were to go first from that place where they were, to Wingfield, and to take a bundle of straw, and to set it on fire before Mr. Halton's door (he is colonel Halton, and a magistrate), then the colonel would come out when the straw was on fire, and when he came out they would shoot him; they said that Sheffield and Chesterfield were to meet them at Butterley; they were to kill Mr. Jessop, the proprietor of the Iron Works there, and Mr. Goodwin and Mr. Wragg, his clerks or assistants, they were then to take possession of Butterley Works. He says Butterley Works are a manufactory of iron; then he says, after that, William Turner produced a paper, and delivered it to a man who stood by; it stated the number of guns every man had in the parish of Wingfield. William Turner seemed to think that the Wingfield men were the best men because they had more guns than the Ripley men had; he said they had a parcel of pikes, forty in a stone quarry, for the purpose of protecting themselves and slaying others who went against them; they agreed to meet at Wingfield at ten the next night, Monday; the prisoner said they were to go to Nottingham; he said, every man when he got there would have plenty of rum and a hundred guineas; they said Nottingham was to join them, and they were to take Nottingham to themselves; then they were to go down the Trent, it would then be like a journey of pleasure when they once got to Nottingham. George Weightman was to go to Nottingham to see how they were going on; money was collected in the room to pay his expenses; the prisoner wanted a barrel of gunpowder to teach them how to make cartridges—he says he understood they had a barrel of gunpowder which the prisoner wanted to be produced—he found the prisoner there and he left him there.—The prisoner, in the course of the conversation, said there were plenty of churches on the road from which they could get lead—he says also, that the prisoner said there would be no good until they had overthrown the government—he says he stayed there from twelve to about four, there was no business but this talked of.—William Turner applied to the prisoner whenever he wanted anything; and he adds that the prisoner certainly was the leader—the number of people changed from time to time, they went in and out—the map was often produced and handed round the table, and there were places marked out where they were to go to—the prisoner pointed those places out, and said there

was no doubt they would succeed in what they were going to undertake—the prisoner and John Moore talked secretly together—the prisoner said there could be no good till the government was overturned.

Upon cross-examination, this man says, he was a constable at that time; about twenty was the greatest number he believes he saw in the room. Martin thought there were forty; he found Martin there, and stayed after him about half an hour; the prisoner did not leave the room more than twice, and did not stay above three or four minutes; his going out was observed upon; Turner did so, and asked where he was gone to; what was said about the forty pikes in the stone quarry for the purpose of protecting themselves, and slaying those opposed to them, was said in the presence of the prisoner; he says he did not go to any justice; he and Martin told them there were constables in the room, and they must mind what was said; he was frightened so as not to tell a magistrate; the prisoner said they would kill anybody who told of them, and he did not make any disclosure to any magistrate; he says it was a public parlour, but he knew nothing of the business until he went in, and having been there he told nobody of it; the house is by the road side; this was on a Sunday, the room was close to the kitchen, but they said they did not keep anything there as a secret; the eldest of the Weightmans was to go to Nottingham; he says, while Martin stayed, he the witness heard every thing he heard; the room would not contain more than twenty; so that it appears the room was full, whether twenty or forty: he was made a special constable about two days before; the prisoner said they should not make a secret of it, because every one would be obliged to go, and he said the meeting was to be at ten the next night—the Monday night.

James Shipman is the next witness called; he lived at South-wingfield last June, and lodged at Joseph Booth's; he was at Booth's door on Monday the 9th of June, about half past eight o'clock; he saw the prisoner there; there were a few women about the house; witness was alone, George Weightman was with the prisoner, the witness asked where they were going to, the prisoner answered to an old barn up in the field; that there was a meeting there of the towns of Wingfield, Crich, Pentridge, and Alfretton; that there were arms and ammunition, and men would be taken on the way as they went to Nottingham; that a band of music would meet them—that there were thousands more to meet them in Nottingham Forest: he asked what they would do for provisions when there were so many thousands of them, he said there would be bread and beef for every man, and half a pint of rum: Witness asked him what the poor women and children were to do; he said there would be a provisional government formed and sent down into the country, to relieve the wives and children of those that were gone away: then an old woman who stood by clapped him on

the shoulder and said, my lad, we have got a magistrate here; you will have a different one says he, one that will allow you plenty; he said the countries of England, Ireland, and France, were to rise that night at ten o'clock; the witness said if all those countries should rise, the ships would come in and beat the whole; then he said a northern cloud would come in and sweep all before it, and every one who would not join would be shot on the place. Then George Weightman said to the prisoner come along, I am half an hour too late, and beckoned him away; the prisoner said come along with us, and you shall have a good gun; he says he did not go but parted, and they went towards the barn.

He is cross-examined, and says he did not know the prisoner before he answered all the questions the witness put to him; he said France, Ireland, and England, all were to rise. "I thought he must have been either mad or drunk."

Thomas Turner is next called; he says—"I have been apprehended, and have been in custody ever since on account of this business. I had before lived with my father at South-wingfield, a frame-work knitter. On the 9th of June, Monday evening, I was at South-wingfield at my father's house; I left it a little before nine in the evening; I went with Samuel Ludlam and John Walker; we went to opposite the meeting-house, very near to colonel Halton's gates; we saw William Turner, George Weightman and some strange man about two or three hundred yards from the village; this stranger was called the Nottingham Captain—he heard of no other name that was given to him; the prisoner was the man who was there, and who was called the captain; they had all of them guns; they were standing still when he first saw them; the witness and his party went to Hunt's Barn, in colonel Halton's field; before they got there William Turner was loading his gun with bullets; about this time," that is, about the time the gun was loaded, "George Weightman said, come lads, I expect an engagement very soon with Jessop's men at Butterley furnace; the witness asked William Turner in the presence of the stranger, who he was; he said, "our captain from Nottingham;" Samuel Ludlam and the witness stopped about a hundred yards short of the barn, and saw about a score of men coming out of the barn; as they came towards him he observed they had arms, spikes or pikes, and one sword or two; the prisoner, Turner, and Weightman, all came together from the barn; George Weightman said, they must go to a field of Mr. Topham's, and the Pentridge people would meet them there; before they went to Topham's field, the prisoner and William Turner formed them into ranks;" he says "he carried a bag of bullets, he had taken them from George Bramley; he preferred carrying them to carrying a pike; the prisoner ordered them to march the nearest way to Topham's field; then a pike was placed upon the table, and he said the

instrument produced upon the table was the sort of instrument which they had then, and which he calls a spike; he says they first went to Ilardwicke's; the biggest part of the party went up to the house, he did not; they went next to Henry Tomlinson's; he did not see whether they took any thing from thence: he afterwards went the nearest way to meet them at Topham's Close, where they were joined by Isaac Ludlam the elder, and younger, and William Ludlam;" they had also such pikes as that which you saw, gentlemen, upon the table; "the Pentridge men did not meet them as they expected; George Weightman was sent forwards to go to the wire mill, and if he met them to turn them to Pentridge-lane-end, to meet them there, George Weightman took the bag of bullets then along with him, and the witness and the rest went to the house of Elijah Hall; he cannot say who commanded them there; Turner and the prisoner commanded them all the way they went; when they got to Elijah Hall's, he was out of the door, and the door fastened upon him;" he said so himself afterwards; "the prisoner asked him for his gun; Hall was not willing to give it; they disputed some time about it, and at last Elijah Hall desired somebody from within to give the gun, and the gun was given through the window to the prisoner; the prisoner told Hall he understood him to have more arms in the house, and he said that he must have them; Hall said he had no more; the prisoner replied, if you have more and do not give them your door shall be broken open; at last the door, not being broken open, was opened from within; Hall went in, and the prisoner and several more followed him; the prisoner was going up stairs to fetch the gun, and Elijah Hall offered to stop him, the prisoner struck him with his fist at first, and then presented his gun at him, and said, if he did not find his gun he would shoot him. The witness laid hold of the prisoner, and told him not to use the man ill, that he did not believe he had any other arms. The prisoner took a candle up stairs, and searched for more arms, but he did not find any. He brought Elijah Hall's son down with him, and he took him along with them; he went very unwillingly. He believes the young man was in bed when he was taken. The prisoner first said that the father must go, and then said he would take the son in his stead; both the Turners were with them at that house, William and Joseph Turner. Joseph is the man who is called Manchester Turner, who has but one eye; the three Ludlams were still with them, and so were Barker, Swaine, and Bramley. Barker said he had longed for that day to come for a long time, but it had come at last. Young Hall was taken with them against his will. They then went to Isaac Walker's, from whom he saw a pistol taken; the prisoner put it into the string of his apron, which was tucked round him like a belt. They then went to Henry Bestwick's, and the witness saw nothing there, but heard

the window broken. They next went to Samuel Hunt's: when they got in there, Hunt was fetching bread and cheese out; some were in before the witness: he told them to eat what bread and cheese they liked, and he would dress and go along with them. We hear that that Hunt is a farmer, and one of the persons in this indictment. After they had taken what bread and cheese and beer they thought fit, Samuel Hunt and the servant went with them; they stayed there a quarter of an hour, or twenty minutes; there was a candle in the room all the while they were there, which enabled the witness to see more particularly what weapons they had: they had pikes; Manchester Turner had a sword, and William Turner had a gun. They then went next, to Mrs. Hepworth's; he says he heard the prisoner at the bar rapping at the door, and calling for the arms out: the door was not opened, and the prisoner called for somebody of his party to come and break the door open; upon this, Samuel Hunt took up a large stone and swung it at the door once or twice. The door however was not forced open, and the prisoner went from that door to a little back window which looks into the kitchen; the prisoner asked them to give the arms out, or to open the door, but they did neither; somebody within refused him, and he immediately fired in at the window; whether a gun or a pistol he does not know. The witness went to the window, and saw the man lying down in the kitchen; he was Mrs. Hepworth's servant. He says he told the prisoner he should not have shot the poor innocent man. The prisoner said it was his duty to do it, and he would do it; and if the witness said any thing more about it, he would blow his brains out. After this happened, he says arms were given out. They then went to Pentridge-lane-end, where they met another party; Joseph Weightman, Joseph and James Taylor, and Benjamin Taylor were there; all of them had arms; Joseph and Benjamin Taylor had spikes, and James a gun. Another party went to Buckland Hollow, and while they were gone, we heard a great disturbance; they were calling them all up at Pentridge-lane-end; they were taking the men out, and arms, where they could find them: they all met together, and went to Pentridge town. Before they got there the prisoner formed them into ranks, and asked whether there were any military men among them, or men who understood discipline—that they must turn out to keep the men in order. Upon that, Charles Swaine turned out; he had been in the militia: they were then all put into ranks by the prisoner, William Turner, and Swaine; the men who had guns in front, and the spikes in the rear. When they were formed, one of the three said "march," and they marched to Pentridge; other houses were attacked at Pentridge; a poney was taken from Mr. Booth's; George Weightman had it. They then went to Butterley iron-works, there might be sixty or more at the time. Mr. Good-

win came out to them: he understood from the party that George Weightman was gone on the poney to Nottingham; he did not see him go, but he saw him return with the poney. Mr. Goodwin said something at Butterley, he did not hear what he said; after that the prisoner bid them march, and they marched to Ripley town-end: the prisoner ordered them there to halt, and give three huzzas. Then they marched forward to Codnor; there they stopped at the Glass-house public-house; the prisoner knocked them up, and bid them bring some ale, and all the party had some. When they were there, Samuel Hunt and the two Turners, Manchester Turner and Edward Turner, joined them with others, they had separated a little way from the party. William Turner and the prisoner ordered the landlord to make out the bill, which amounted to 1*l.* 8*s.* The prisoner said to the landlord, that he need not be afraid of being paid, he would see him paid. They marched on, and three persons were taken out of a barn and brought with them. They marched to Langley-mill, and while there, George Weightman returned on Mr. Booth's poney. The prisoner and many others surrounded him, and asked him what he had heard about Nottingham. He said they were doing very well there; the soldiers would not come out of their barracks, that they were to march on; they did march on; the witness says he went with them two or three miles, when some of the party had dropped off, and he also quitted them, and the rest marched on towards Nottingham. The prisoner, William Turner, and some others were marching towards Nottingham; he says before he left the party some tried to get away, Henry Hole wished to get away, and the prisoner said if he would not return he would shoot him, and the prisoner aimed his gun at him, and the witness and another man desired him not to fire, then Hole was fetched back by Richard Bramley."

He was cross-examined, and he says he met them first about nine o'clock at night—he had a pike during part of his walk, and when he escaped he threw it away, and he saw many pikes thrown away by other people—in his return he was taken, and then he went and showed a man where he saw the pikes thrown—from Booth's house to Langley Mill might be a distance of three or four miles—there was time for George Weightman to go to Nottingham and to return from Nottingham between the time of his leaving them and his meeting them at Langley Mill—he says the party had principally dispersed before any opposition to them appeared—they had marched in this way nine or ten miles.

Henry Tomlinson is next called, he is a farmer at South-wingfield—on Monday night, the 9th of June, about half past nine or a quarter before ten, a man came to him from Mr. Hardwick's house—it is not a quarter of a mile—he gave him some information, in consequence of which he locked the house door

and went out with his wife into the yard; they stayed there about ten or fifteen minutes before he saw any body come, then a body of men came to the house, and came in at one end of the yard; there appeared to him to be between thirty and forty—some of them were armed with spikes and some with guns—the spikes were such as he saw then on the table—when they came to the door they began to rattle it—he asked them what they wanted, they said, “you and your gun,” he does not know whether the prisoner was there—he said they should have neither—he had a gun, but it was gone to Ashover to be mended—the person whom they called captain asked for him and his gun, but it was too dark to see his person—the captain said if he did not open the door they would break it, that they would search the house—as the witness was going up to the door, he saw William Turner—he also saw William Barker, and he said to each of them “are you one, William,” and both of them said, “yes”—he unlocked the door and went in, and the captain and another man followed him—he had left his gun on the bed tester—he brought it down, the captain demanded it from him, and he delivered it to him—the captain took it out of doors, and he went and stood close to the door, but he did not go out of the door, and the captain said, “you must go along with us”—he said he would not go, they said he must go—he had better go that night than stop till morning—that if he stopped till morning, there was a great gang coming from Sheffield, and a great cloud out of the north, which would sweep all before it—he said he would not go that night, that if he must go, he would stay till the morning—and then the captain cocked his gun, and presented it at him, and swore he would shoot him if he did not go—then he said “no, no, I will not stand out, I will go a little way, but it shall not be far”—before the captain threatened to shoot him, some cried out, “damn his eyes, smite his head off;” others cried, “let him go,” and others said, “never mind him;” then he says the captain said they were going to Nottingham, and must be there between eight and nine o’clock, that it would not be necessary to go further than Nottingham, for London would be taken before they got there—the witness said to George Weightman, “are you one,” and he said, “yes”—he said he thought it a very hard thing to take him from that lonely place, and to leave his wife behind—he said “it is to go a little way, and you may turn back again”—he says he went, and they gave him a spike like one of those on the table—he asked them to let him carry his own gun, the captain said he should not, and they gave him a spike—he went about three hundred yards with them, and then George Weightman bid him give him the pike, and he did, and got home.

Then, upon cross-examination, he says, he cannot swear to the person of the prisoner; he said the person was called the captain. From the other evidence you have heard there can be little doubt who the captain was.

Enjah Hall the elder was the next witness; he lives at South-wingfield Park. On Monday night, the 9th of June, he got home from his mill about eleven o’clock; he says his house is about a quarter of a mile from Langley Mill. About ten minutes after he got home, he heard some footsteps of men, as he supposed, coming up to the door; he was alarmed at that; they asked him if any men had been there that night for guns? He told them there had: he said so in order to get shut of them. They asked him whether the men had taken any away? He said, “yes;” and on that they went away. About five minutes after this perhaps, a number of armed men, armed with guns and pikes, came into his yard; there were between twenty and thirty of them. He asked them what they were doing there at that time of night? They said, “We shall not hurt you; we want fire arms.” He told them that he had no fire arms for them; they were positive that he had, and said, he had better deliver them quietly to prevent the house from being fired, and to save his own life. He was at this time on the outside of the house; he had gone out into the yard after the first party left; the door was shut and fastened after he went out, and the people told him, on the outside, he had better open the door: he told them it was not in his power to do it, being on the outside like themselves. They then proceeded to attempt to force the door open; after attempting it in vain several times, they cried out, “Captain, how must it be?” Upon this a gun was given to them through the window, by some person in the house, and the door was opened from the inside after the captain had ordered his men to fire at it. He does not know who said, “Captain, how must it be?” When they had got the gun they demanded him to go along with them; he told them he should not go. Some one of the party said, “he has sons”; the Captain said, “if he has sons we will have them.” After the gun was given them out of the window the captain said, “if they do not open the door, fire,” and then the door was opened; “the same person gave this order who had spoken to me about my sons.” They said that they wanted a bigger loaf, and altered times; this they said before they went into the house: then about a dozen other men went into the house, the Captain was among them, Isaac Ludlam the elder, Isaac Ludlam the younger, William Ludlam, William Barker, a person they called Manchester Turner, Thomas Turner, and John Walker. He did not then know the name of the Captain; but he afterwards found that Jeremiah Brandreth was his name: he looks at the prisoner at the bar and says that he is the man. When they were in the house the Captain said he would blow his brains out if he did not get his sons up; he told him he would not; the Captain then said, “damn your blood,” and gave him two pushes with the muzzle of his gun; the witness still refused, and then he presented the muzzle of his gun at him, and said he would blow his brains out: He still said

he should not call his sons, and the Captain levelled his gun to cock it. Thomas Turner said "you shall not," or, "do not." Several then cried out, "we will fetch them out of bed ourselves." Then the prisoner took a candle from some one of the family and lighted it at the fire, and proceeded up stairs; several of the men attended him. He says he heard a great noise up stairs, calling for his sons, and so on; at last they brought down his son Elijah. When they brought him down he was partly dressed: they took him away. The prisoner searched the house, and he did not find any guns there, though there were some there; his son was absent about two or three hours, and returned before it was light. He says he asked the Captain where he was going? He said "to Nottingham." He asked him for what? He said he believed Nottingham was taken at that time—that there was a general rising throughout the country—it was their intention to wipe off the national debt and begin afresh.

Elijah Hall, the younger, is next examined; he says—"I was disturbed on the night of the 9th of June in my bed, I slept with my brother, there were several men came up into my room and demanded me to get out of my bed, they compelled me to get out of my bed and to go with them—I was unwilling to go, but they compelled me to go, they put a pike into my hand: we went first to Mr. Walker's about two closes from my father's where they got a gun and a pistol, the prisoner commanded them; we went next to Mr. Bestwick's we got a gun there; at these places the guns were given us by force; we went next to Samuel Hunt's we got bread and cheese there, and Hunt himself and his man Daniel Hunt went with us; we then went to Mrs. Hepworth's, the prisoner fired a gun there, I saw him fire it and it shot a man, I knew that man, Robert Walters, I saw him on the kitchen floor, he was Mrs. Hepworth's servant—when the man was shot I asked him how he could think of shooting the man; he said he was not shot—I said, I was positive he was shot—he said nothing more. We then went to Pentridge-lane-end, where they got arms and men too; we next went to Pentridge, they made several attempts at different houses there for men and arms, whether they got any I do not know—I escaped from them. I heard several of the mob say that they were going to pull down the parliament house and to break the laws—the prisoner was present when they said this, he was the captain all the time."

Isaac Walker, a farmer at South-wingfield Park, in this county, says—"On Monday night the 9th of June, I was disturbed about twenty minutes or half past eleven o'clock, I and my family were all in bed, I was disturbed by my dog barking and saw about forty persons in the yard, they were armed with pikes and guns they were coming up towards the door, and they demanded a gun and a brace of pistols; I told them I had a gun but not a pistol,

at length they got a gun and pistol—I gave the pistol to the man they called the Captain."

Here closed the evidence on the first night of the trial. Yesterday morning Mary Hepworth was called, she says—"I occupy a farm in South-wingfield Park; on the 9th of June last, at night, one son, two daughters, two men-servants, and myself, were the family in the house." Gentlemen, you observe these persons are called being the persons whose houses were attacked, according to the account given by the first witnesses. "My family were disturbed that night by a large number thundering at the door demanding my guns and servants, they were the voices of men; in consequence of that I got up and went down stairs and called out "the door is not to be opened," for I could not part with the men and guns; they afterwards attacked the windows on both sides of the house, the kitchen-window towards the back of the house was broken, I did not see by whom, there were several voices; the shutters were forced into the middle of the room, and they broke the glass quite out and it fell both ways: myself, my son William, my daughter Emma, and two men-servants, Robert Fox and Robert Walters, were all in the kitchen—the people on the outside of the house said to my son William, "we must have your guns and your men or we will blow your brains out;" after the window was broken they fired immediately, Robert Walters was shot dead almost instantly, he died in a few minutes after he received the wound; he was sitting down on a chair opposite the window, as I thought to put on his boots, he was shot in the right side of the neck—they still went on demanding the guns."

Gentlemen, though this atrocious murder appears in evidence in this case, it is not treason; it was impossible not to give this part of the transaction in evidence, and it would have been extremely improper if it had not been given in evidence, though the fact itself is not high treason, but a different crime; yet if people pursue the object they are charged to have had in view by such atrocious means, you being appointed to inquire what object they had, will thereby more easily decide what was their real object; whether it was a temporary tumult with a view to nothing public or general against the government, or whether it was really with a view to execute that purpose, which, as it seems by the evidence, the parties declared they meant. This murder is clearly proved beyond all doubt, but you are not to convict the party of high treason because he was guilty of murder; still, however, it is a circumstance to be taken into your consideration. She says, "When I saw the servant dead in the kitchen, I said 'we must give up the guns or we shall be all murdered;' a gun which was hid in the cellar was fetched and delivered; they said we must have your men. I told them they should not have the men, they had shot one; they said 'we will serve

you the same if you do not let us have the other man; however, they did not commit any further violence, and they went away; after they went we saw several large stones, and found a pike near the door, which had been used to push the door, and there were marks on the door corresponding with the pike."

Samuel Fletcher lived at Pentridge-lane-end on the 9th of June last; he says, "I and my family went to bed on that night at eleven o'clock; about twelve we were disturbed by a very heavy knocking at the door, I jumped out of bed, ran to the window and opened it, and saw a large concourse of people, thirty or more at that window. I saw many more afterwards at another window; they levelled pieces at my head as soon as I opened the window; there appeared to be five or six guns levelled at my head. I cried 'halloo,' they cried 'your arms, your arms, damn your eyes your arms;' I said 'what arms,' they said 'you have got two or three guns,' I said I had got but one gun, and I did not know that that was at home; they said if I did not fetch it down and open the door they would blow my brains out, I said 'well, well, let us have time;' I down stairs and ran up the servant's stairs (they are in another part of the house), in order to escape if I could, but found that part beset also; then I bid William Shipman give them the gun; on his giving them the gun, they cried 'get you dressed,' accompanied with 'damn your eyes, we will blow your brains out;' they kept beating the door all the time, one cried 'come Shipman,' another cried, 'come Billy;' the man appeared very unwilling to go, he did not dress him in the house, he took his clothes out in his hand; he cried at going, and I told him he must go and make his escape as soon as he could; I said 'damn them, thou knowest them all, they are all Pentridge and Wingfield men,' I told him to take notice who they were and what they did, and bring me word; he returned home on the Tuesday morning when I was not in the house."

Then William Shipman the servant, says, "I was disturbed on the night of Monday, the 9th of June, about twelve o'clock, by a knocking at the door; I heard voices, one called out, 'Shipman, come with us,' this was Joseph Topham, a Pentridge man; I went to the window, and saw several men in the yard, eleven or twelve; they were armed with guns and spikes; they told me I must go with them; my master came to me; they said, they must have a man and a gun—I said, there was but one man—they said, they knew there were two, and they must have one; they demanded the gun again, and my master said, it would be better for me to fetch the gun and give it to them; I fetched the gun and gave it to them out of the window. Then they told me that I was to come—I told them, that I could not go, that there was only me in the house, but they insisted upon having me; my master told me, it would be better for me to go, and mind

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and tell him all that I could. I took my clothes, and went down stairs and opened the door, and dressed myself at the door. The captain insisted upon my coming; he told me to make haste and dress myself, or he would blow my brains out, and clapped the muzzle of a gun towards me. I dressed myself and went with them. When I was at the window they called out for the captain, and he came forward and said, that if I did not make haste and come down, he would blow my brains out. When I had dressed myself they went out of the yard, on to the turnpike road, and then there were several others; they were armed with guns and spikes. We went to some houses there were a little way off. I heard them breaking open houses. We went to a man's of the name of Booth, at Pentridge-lane-end; there they began knocking at the door, and demanded a man and a gun, which they got; the man was Booth's son. I know Samuel Hunt, he was with us; he was very violent. They formed us into ranks at Storer's; we were formed two deep; they picked out sergeants to command the different divisions. We marched to the bottom of Pentridge then, the Bull Hill they called it; we were halted then for about a quarter of an hour; I do not know what they were doing. Then we marched a little further to the meeting-house; the captain then ordered a man to fire a gun; there were several of them tried, which would not do, and the captain fired his off to let the Ripley and Butterley people know that they were come. I saw James Weightman there, near the meeting-house; he had a hat full of bullets. Thomas Weightman was in the ranks; I was next him: he had a pike. I put my hand into the hat and took two or three bullets, and James Weightman said I must not take any, for they should be short enough. Thomas Weightman said, that he and James Weightman had been casting them while we came round by the lane-end. We then marched on up the town of Pentridge, towards the top, and we stopped at William Booth's; in our way up the town, they knocked at many doors and demanded arms. At William Booth's they fetched a poney out; they put Mr. Storer on the poney, but he was ill and fell off: George Weightman then got on and rode off, and I saw no more of him till we got to Langley-mill. He rode off in the direction to Nottingham. We went down the town again and went right for Butterley; when we got there they wheeled us round and knocked at the furnace gate; this was Mr. Jessop's Iron-works: Mr. Goodwin came out, and asked the Captain what he wanted there—he said he wanted his men: Mr. Goodwin said he had men enough unless it was for a better purpose. Then we were marched round the works, and then got to the turnpike-road again, and then went directly for Ripley Town-end, where we halted, and shouted three times, to let the Heage and Belper people know where we were; there was a party from thence expected to meet us;

this was said by the people with me. We then went to Codnor, which is in the turnpike-road to Nottingham; then we went to Langley-mill, to Mr. Raynor's, where they demanded a man and a gun; and a man was compelled to go; at Langley-mill we saw George Weightman coming towards us in the direction from Nottingham; he came up, and as he was riding along the ranks several asked him how they were going on at Nottingham, he answered they were going on well, that the soldiers were in the barracks, that the town was taken, and that we should have nothing to do when we got there, but we must march forwards. We marched forwards to Eastwood then, and when we got a little past Eastwood I got away. I think the prisoner is the man they called captain, but I cannot swear to his person; he had at that time a big coat on, trowsers, and an apron tied round his middle, and a pistol tucked in." This is the description other people gave of him—"he had whiskers round over his chin, but he had no beard. William Turner was one of the party, he had a gun; Manchester Turner was there; I do not know what a ms he had; Edward Turner was there, he had a long gun; there were two Joseph Weightmans with us; Samuel Ludlam was there, and Samuel Hunt; he had a spike first, and a gun afterwards; German Buxton was there, he had a gun; William Barker and Alexander Johnson were there, they had both spikes; Joseph Savage had a gun and a pistol; Joseph Topham was there," and several other persons under indictment and not now on their trial before you.

Henry Hole is the next witness; he lived at Pentridge-lane-end; he says—"At nine o'clock on Sunday night, the 8th of June, I saw Samuel Hunt and about seven or eight others standing before the smithy door of George Turner; I had a jug of milk in my hand; Samuel Hunt said 'you are fetching that for the use of the men at night;' I said 'what men;' he said, 'those revolutionists which will come to-night or to-morrow night;' Hunt and me soon parted, and I saw nothing of him any more. On the night of the 9th, about twenty minutes before twelve o'clock, me and my wife were awoke by some violent blows that came on the door; I got up and opened the window, and cried, 'halloo, who's there, what do you want;' they cried, 'we want you to volunteer yourself to go with us, if you do not come down immediately and open the door we will break the door down and murder you.' I went down and opened the door, and saw four men standing; I knew two of them, Joseph Weightman and Joseph Topham; I asked where they were going to; 'to Nottingham,' they said; I said I could not pretend to go with them, I had no money to carry me there, nor nobody to take care of my family while I was gone; they said I needed no money, I should be kept on roast beef and ale, and there were people fixed to take care of every body's family, who would come in two days or under;

they said I had better go with them that night than stop till morning, for they were coming from Yorkshire like a cloud, and would drive all before them, and those that refused to go would be shot. I then dressed myself and went out, and a pike was forced upon me. I said I was not able to carry that pike, if they were going as far as Nottingham; that they must either take it, or I must hurl it down, and one of them took it; we went from my house down to the turnpike-road, and about twenty or thirty yards on the turnpike-road I observed about twenty or thirty men, armed with pikes and guns and other weapons; we first marched to John Sellar's, then to Fletcher's; we then went a little further on the turnpike-road, and there we were divided; I had seen the prisoner, before we divided, in Fletcher's yard; we were joined there by a party that I understood had been at Mrs. Hepworth's, and among the rest I observed the prisoner; I did not know his name; they called him captain in that party. I also observed in that party, William Turner, Manchester Turner, Isaac Ludlam the elder, William Ludlam, and others; then, afterwards, after we went a little way in the road, the party divided: the captain and the biggest part went to a row of houses; the other eight or ten men, and I along with them, went with Samuel Hunt to Samuel Booth's. Manchester Turner had an old-fashioned spear with a handle like an old-fashioned sword; William Turner had a gun; and the rest had guns or pikes. They knocked at Booth's door, and Mr. Booth came to the window; and they demanded his son, and took him with them. The prisoner came up as we were taking the son out of the house; and we then marched on to Wheatcroft's, at Buckland Hollow. The prisoner knocked at the door with the butt end of his gun; and we brought from there three men and a gun, and a stack paring knife, with which they armed me: it is a scythe blade put into a stick about a yard long. We then went again to Pentridge-lane-end, and joined the other party. The prisoner then ordered us to fall into ranks three deep; part of the musket men before, or in front; the pike men in the middle, and the others in the rear; then we marched towards Pentridge; we halted against Storer's, and they brought Storer and put him into the ranks; then we marched again to Pentridge, and I saw George Weightman, as we were going out of Pentridge, ride past on William Booth's poney; he seemed to have some serious conversation with Brandreth; I had some conversation with William Ludlam, and asked him which of Mrs. Hepworth's men was shot, and he replied, 'Robert Walters;' I asked him whether he was sure he was shot dead or only wounded; he said 'nay, he was shot dead, for he saw him lying on the kitchen floor, just after the captain had shot;' from thence we marched to Butterley, or towards Ripley: when we got to Ripley we halted, and gave three huzzas; then we marched along the

Nottingham-road, towards Codnor, and took some refreshment at the Glass House there; we all went into the house; there I saw Isaac Ludlam standing guard in the rain at the door; it rained very hard; John Bacon made a speech, the purport of his speech was, that government had robbed and plundered them of all that ever they had; this was the last shift they ever could make, they either must fight or starve. I saw Samuel Ilant and Manchester Turner come up, apparently with forty or fifty men, which they said they had collected; when we marched off we were joined by a large party from Swanwick; there were about sixty or seventy of them; we marched along the road towards Langley-mill; we were halted at Mr. Raynor's, where I saw William Turner go first into the house; he called Brandreth, and Brandreth said to young Raynor, 'damn you, if you do not turn out we will shoot you;' they took a servant, a gun, and a pitching fork from Raynor's; in our way to Langley-mill, we met a man with five cows, whom we took; and we met at Langley-mill, George Weightman; Brandreth and Weightman stood together a little from the men, and after some time he said to the men as he rode by, 'all is right my lads, you have nothing to do but to march on, they have bombarded Nottingham at two this morning, and it is given up to them;' they picked up some men about Langley, and we marched forwards towards Eastwood; as we approached Eastwood, I had some conversation with James Barnes; he said they were going to Nottingham; that they had fixed a fresh government at Nottingham, and were going thither to defend it; 'it will soon be all over, for by a letter I saw yesterday, the keys of the Tower would be given up to the Hampden Club party, if they were not already;' he said, 'I have never sat down five minutes at once since four o'clock yesterday morning; I have been providing guns, pikes, and ammunition;' in the course of the conversation, Barnes said they were going to stay at Nottingham till other counties came into their measures; at Eastwood, the men appeared again disordered, and Brandreth the captain, the prisoner, ordered them again into ranks; I turned out of the ranks and stood at some distance, and the prisoner came to me and ordered me into the ranks again; I said 'I will not go in again for you or any other man;' he came up to me, cocked the gun, and said if I did not go in again immediately he would shoot me in a moment. I stepped up to him with the knife (which he had described before) "in my hand, held it over his neck, and said if he offered to level his gun at me I would hack his head off; he turned off from me and I walked off down the turnpike-road, as if towards Langley-mill; when I was about fifty or sixty yards off I heard a cry of 'do not shoot,' I turned round and saw Brandreth with a gun on his shoulder pointing to me, and at the same time I saw a man of the name of Thomas Turner take hold

of him and turn the gun off, I saw John Hill there" and several persons whom he mentions; "John Hill had a gun, James Taylor had a gun and the other two Taylors had each spikes—I made my escape;" he says, "at Codnor there were two hundred men or more, besides that in going back I saw several other parties proceeding on the same line of march towards Nottingham, the first party I met might be about fifty: I saw another party near Langley-mill of about sixty or seventy, and I turned out of the road in order to avoid them."

Upon cross-examination, he says "Barnes was of the Swanwick party, and came with them to Codnor, that was the first time I saw him; when Barnes spoke to me the prisoner was there, but not near enough to hear what was said,"—that is not at all important, gentlemen, they were both of them upon the same purpose, and what one said goes as strongly to affect the other as if the other had said it himself.

William Booth says, "I live at Pentridge-lane-end—on Monday night the 9th of June, I was taken from my house by the captain and others"—he looks at the prisoner and says, "I have no doubt at all he is the man they called captain—I saw George Weightman on a poney—the captain told him to go on that horse to the Forest, and to bring tidings to them at Langley-mill."

Then George Goodwin is called to you: he is one of the managers of the Butterley-Iron-works—he says, "we had, before Monday the 9th of June, many of our men sworn in as special constables—about a hundred of them—the neighbourhood was in a very disturbed state"—he says, "I brought my men together on the night of the 9th of June, and I kept them at Ripley till day-light in the morning—in the course of the night I heard guns fired, horns blowing, shouts and different noises throughout the night at a distance—the first shot I heard was about twelve o'clock—we had seen lights and heard noises before in the villages—it appeared as if there was something very unusual going on—I apprehended that our works would be attacked when day-light came"—this being in June, "the greater part of my men went home, the others, twelve or thirteen, stayed at the works—those armed with guns went home, the other twelve or thirteen, who were armed with pikes, remained—the people with pikes came down with Mr. Jeasop and me to the works to deposit the pikes in safety—we had left a small body at the works under the care of Mr. Wragg, to protect the works, and we found them there—their number was eight or ten, therefore our guard was about thirty men, when I arrived there—it rained hard all night—soon after the men had got down to the works and deposited their pikes in the office, about a quarter past three, I observed a person riding past on horseback—it was George Weightman, mounted on Mr. Booth's horse—George Weightman is the son of the woman who keeps the White-horse, she

his sister to Thomas and John Bacon—George Weightman was riding on the road towards Nottingham—I called to him to stop, but he looked over his shoulder at me and rode on—we felt convinced then that they were coming, we saw a body of men approaching, at the distance of about a hundred or a hundred and fifty yards, on the road from Pentridge to Buttery, there were about a hundred men, they were drawn up in regular order, two a-breast, armed, some of them with guns, some with pikes, some of them had no arms, but those who had no arms were the fewer part—the greatest number had arms—they were marching like soldiers in close order—we ordered our men to retire to the office, and defend themselves there—they were coming in military array—marching like soldiers in close order—when they came up to us they were marching with the prisoner at their head as captain; when they came to the door of the Foundry, Brandreth gave them the word, ‘halt, to the right face, front,’ and they did so—the prisoner had a gun in his hand, a pistol in a belt like an apron twisted round; the men formed a sort of curved line opposite the gate, the prisoner knocked at the gates, with the butt end of his gun: I asked him, ‘what do you want, what is your object here,’ he said, ‘we want your men;’ I said, ‘you shall not have one of them, you are too many already, unless you were going for a better purpose; disperse, depend upon it the laws will be too strong for you, you go with halters round your necks, you will be all hanged!’—the prisoner made no reply to this: I then observed in the ranks some persons whom I knew; Isaac Ludlam the elder, he was armed with a spear; James Taylor, a nephew of Isaac Ludlam’s, he was armed with a gun; Isaac Moore, he was armed with a fork; they were all three together in the front rank—I said to Isaac Ludlam, ‘Good God, Isaac, what are you doing upon such a business, you have got a halter about your neck, go home;’ I took him by the shoulder, and pushed him towards the office—I told him if he had any regard to his family or country to go home, I was then in the ranks close to him, he might have taken refuge in our office at that time—he said, ‘I am as bad as I can be, I cannot go back, I must go on:’ he was exceedingly agitated when I talked to him, and neither of the three took refuge in our office, but others who were there did; Mr. Hugh Booth, and Mr. William Booth’s servant, and a Turner of Pentridge-lane-end got into the office, and I sheltered them—after a short pause, and looking at each other, the prisoner gave the word, ‘march,’ and they marched on towards Ripley: they went first over the coke hearth and then came back again, and finally went towards Ripley; shortly after they were gone I observed another body of men, amounting to forty or fifty; they did not come so near as the office; some time after they were gone I saw William Weightman, George’s brother, on horseback, another man of the name

of Taylor was with him, the brother of Weightman’s wife; they were going towards Nottingham, he followed in the same line that the others had gone, but he went a more direct way to Nottingham: I pushed out and took hold of his bridle and stopped him, I said, ‘you are going to join those fellows;’ he admitted he was going to join him, and said if I would let him go back he would go home and not go near them—he resisted at first, saying, that I had no right to stop him on the highway, he turned his horse’s head, and when he went to a little distance I observed he had a bag under him—he was dressed in a blue smock-frock, which concealed the bag before; it struck me when he turned, and I saw it, that that bag must be bullets, and then I dashed at his horse and seized it by the bridle; I told him I must have that bag, he said I should not, I had nothing to do with it, ‘I said, I have, you rascal, they are bullets, and you are taking them to join the rebels!’—I took him by the collar and was pulling him down from his horse, and he said he would give them up quietly, that they were bullets; he was obliged to do it, he said, for they had threatened his life if he did not. I found about eighty-four pounds of bullets in the bag, and an instrument for making cartridges with them,” they were produced to you, some would suit guns and some pistols, there appeared to be a variety of sizes—he says, “I cannot speak particularly to the men who withdrew and went away, I did not address them at all: Ludlam and the other men I addressed, might have withdrawn themselves if they had pleased.”

William Roper lives in the centre of Nottingham Forest, at a stand which is upon the race-course; it is an oval course and the stand is in the centre of it: he says—“On Monday night, the 9th of June last, I was at Dennis’s, a public-house, at Nottingham; about half past eleven I left the house to go home, William Percival was with me. Nottingham is about three quarters of a mile from my home: in going home I met a great many persons on the way, and I was stopped at the entrance to the race course by a man, who asked me where I was going; we told him we were going home, and he said we must not go on that way; that induced me to stop a while, and afterwards, in going home, I saw about a hundred men, they were standing in line two deep.” This was Nottingham Forest, you remember. Nottingham Forest was talked of more than once by this party at Pentridge. “They had some of them pikes, others poles resembling pikes; I should think this was a little before twelve at night; we passed them, and about ten of them with pikes followed us; and as we were turning off the course they stopped us; they brought their pikes down to the charge to charge upon us. I afterwards passed on to my own house, and went in, and Percival with me: we afterwards came out, and saw about the same number of men; they were then standing in line, under a shed or a piazza, and

they left my house about two o'clock." You remember, gentlemen, the idea was, that the others were to arrive by that time. When they went away they left a pole behind them, but there was nothing at the end of it. I was in the house when they were under the shed. They knocked at my door, and demanded fire-arms. I owned I had some, and they told me I must deliver them up to them. I told them I would not. They told me if I would not, they should be under the necessity of breaking the door open, and taking them by force. I told them that if they did so, I would blow out the brains of the first man that entered. They replied 'will you?' I said 'yes.' A man called for the men with the fire-arms to come forward. I heard a bustle on the flag stones under the piazzas, and expected they were coming in; the piazzas are before my house; they made no attempt upon my door, but they came forward, and asked me how many fire-arms I had? I told them I had two, that one was a rifle-piece, and the other a fusée. They asked me to give them to them. I said 'no.' They asked if I would sell them to them? I told them no, I would neither sell them nor give them, nor part with them on any account—that they were my own property."

Then Lancelot Rolleston, esq. a very active magistrate of the county of Nottingham, as you all know, says—"On the 9th of June I was at Nottingham, and found the town in a very agitated state; I observed marks of the agitation by groups of people collected in the streets: there was a general apprehension in the town. On Tuesday morning, the 10th, I went on the road towards Eastwood on horseback; in the villages within a mile of Eastwood, the people were very much alarmed, most of them out of their houses: I proceeded till I came within a quarter of a mile of Eastwood, where I met a considerable body of men, armed with pikes; I returned, and procured troops from the barracks. Mr. Mundy, a magistrate, and Mr. Kirkby, a magistrate, were at the barracks; I procured eighteen privates, commanded by captain Phillips and a subaltern officer, and proceeded with them towards Eastwood. When we got as far as Kimberley, four miles from Nottingham, and about two miles short of Eastwood, the people told us that the mob had dispersed; we followed them, and found a quantity of arms, guns, and pikes scattered about upon the road. I continued the pursuit till within about half a mile of Eastwood, when I turned off on the left after a party which I had observed in that direction. I took with me only one dragoon—the number I pursued consisted of thirty or forty; they were dispersing and throwing away their arms: we secured two or three, and then we turned towards Eastwood again, after the main body, and came up to them just at Langley-mill, which is about half a quarter of a mile from Eastwood; they were at that time all dispersed, and the mob were pursuing them in all direc-

tions, and there were thirty of them brought to Nottingham; the prisoner was not one of those men. I continued the pursuit for a considerable time, and was at the taking of several more."

Captain Phillips was a captain of the 15th hussars, he was the gentleman who assisted Mr. Rolleston in the pursuit: he says he was stationed with a detachment of his regiment at the Nottingham barracks on the 9th of June; there was some bustle and disturbance in the streets that evening, and about ten o'clock there was a party of the military sent for; by the time the military got into the town they had dispersed a good deal—we were kept on the alert all night; about half an hour after day-break he retired to rest, and about half past six he was alarmed and called up, when Mr. Rolleston came and he went out with a party of eighteen men and a serjeant—and he says, in the same terms as Mr. Rolleston, that he saw a party and pursued them but they got away—between Langley-mill and Eastwood he saw about sixty men mostly armed, there was a man in the road who was trying to form them with his hand and so on, but the men were disorderly and paid no attention to him; they fled and threw away their arms, except five or six who were taken with arms in their hands—they collected about forty guns and pikes.

Upon cross-examination he says, he did not take up the prisoner, he did not see him with the party nor at all that day; when he first came up they were all standing on the road, and there was one man whom he did not know trying to form them, he could not fix his eye upon him altogether, he tried to do it, and he says he is not able to identify him.

This, gentlemen, is the evidence for the prosecution; for the defendant there is one person, the overseer of the township of Wilford, who says—that the prisoner had received relief from that parish.

This is the whole of the evidence in the case. You will now have the goodness to recollect what I stated to you at first as to the meaning of the statute and the general law of the case—if there be an insurrection, a large rising of the people, in order by force and violence not to accomplish or avenge any private object of their own, not any private quarrels of their own, but to effectuate any general public purpose, that is considered by the law as a levying of war. Now, you are to consider whether this comes within that description. That there was an insurrection here is quite clear, that there was a great body of people collected and collecting together is quite clear; that they expected a great number of persons, with whom they stated themselves to be in conspiracy, is equally clear; that they said there were men to meet them in Nottingham Forest, and that there were men there according to their declaration, is quite clear: that they came armed, that they came in military

array, that they forced open houses, that they obliged people to give them arms, that they declared from time to time what their purpose was, and that they committed the outrages which you have heard described—all these facts are unquestionable.

Now, gentlemen, was this insurrection calculated to accomplish or avenge any private objects, or any private quarrels, or was it to effectuate a general public purpose?—Was it to alter the laws, to reform the government—or to bring about a revolution?—Aye or no is the question.

That these people were in a low situation of life is no excuse at all; for a crime is not the less so, because the man who commits it is poor. If they were in distress, of which there is no evidence, that can be no excuse for an attempt to overturn the government. If there was no great prospect of their success, that is no excuse: for it is not less a crime because the design is not likely to be completed in the way in which they desire it. The question is, whether this insurrection was intended by force and violence to effectuate any general public purpose.

Now, gentlemen, you will recollect that the evidence which has been given (there is no evidence to contradict it), is, that they declared, from time to time, that their object was at one time to wipe out the national debt, at another time to destroy the government at large; and so on. If you believe that their purpose was what they declared it to be, you will, I suppose, think them guilty of high treason; because the law declares, force applied to that purpose is high treason. If, on the other hand, you can lay your hands upon your hearts, and say that you are satisfied their purpose was any thing short of that; that there was any private personal end which they wanted to attain, but which was not stated by them—for they do not tell you of any private or personal object—yet, if you are satisfied that they had a private end to attain, namely, any thing personal to themselves, not any thing public and general as declared by them, you will find the prisoner not guilty. But considering the evidence, as I know you will consider it, with care and integrity, you will discard from your minds all the consequences that can happen, attend only to the important consideration of your duty, and remember that you are to do justice, and to pronounce a verdict, in the face of your God and your country, according to law, and agreeably to the evidence.

[The jury retired at five minutes past ten o'clock, and returned into Court at half-past ten with their verdict, finding the prisoner Guilty; and that he had not, to their knowledge, at the time of the high treason committed, or at any time since, any lands, tenements, goods, chattels, &c.]

Lord Chief Baron *Richards*.—Mr. Attorney General, how do you propose to proceed? The day is now somewhat consumed; and if you are not likely to finish the next trial in the course of to-day, the commencing it would subject the jury to the very great inconvenience of being locked up to-night, the whole of to-morrow, and to-morrow night, and possibly Monday night.—Is there any probability of your being able to finish the next trial to-night?

Mr. Attorney General.—My lord, I feel very reluctant that the jury should be unnecessarily inconvenienced. I cannot undertake to say that I shall be able to bring the next trial within the compass of this evening, even if your lordships went far into the evening. It is desirable for the prisoner that his counsel should have the fullest latitude in conducting his defence; and, consistently with that, I think it would be impossible to finish at any hour to-night.

Lord Chief Baron *Richards*.—Mr. Cross and Mr. Denman, I should think it would be better to adjourn to eight o'clock on Monday morning.

Mr. Cross.—If your lordship pleases.

Lord Chief Baron *Richards*.—Were we to commence another trial to-day, it would be attended with infinite inconvenience to the jury, to whom the country is under the greatest obligations; therefore, if you please, we will adjourn until eight o'clock on Monday morning.

Mr. Attorney General.—It should be signified to the jury that they must attend on Monday morning.

Lord Chief Baron *Richards*.—Gentlemen of the jury; I feel it necessary to inform you, that, though you have performed this service, it is possible that you may be called upon to perform the same service on Monday. You must, therefore, be here by eight o'clock, it is with a view to permitting you to go home, if you are within such a distance as to allow of it, that the Court do not sit any longer this day: but you must return.

[Adjourned to Monday morning, eight o'clock.]

695. The Trial of WILLIAM TURNER for High Treason ; before the Court holden under a Special Commission at Derby, on Monday and Tuesday the 20th and 21st days of October : 57 GEORGE III. A. D. 1817.*

Monday, 20th October, 1817.

[The Prisoner was set to the Bar.]

Lord Chief Baron *Richards*.—Mr. Attorney General and Mr. Cross, the jury, in the former case, having given a verdict, probably objected to by the prisoner's counsel, if it is desired by the prisoner, we will direct that they should not be called at all unless it becomes necessary.

Mr. Attorney General.—I cannot have any objection to that, my lord, in case there is a sufficient number without them. I have myself proposed that, in order that the prisoner's counsel might not unnecessarily throw away challenges.

Mr. Denman.—I understand that the prisoner does not wish, generally speaking, to object to the jury who served ; if they wish to be excused, that is another consideration : but I wish it to be understood that we do not object, generally speaking, to the jury who have served.

Lord Chief Baron *Richards*.—Very well.

Mr. Denman.—My lords, I feel it to be my duty, before the trial proceeds, to complain of a most gross violation, as well as a scandalous contempt, of the order which has now been twice issued by this Court,† calculated, in my mind, to interfere with the due administration of justice, and most certainly a barefaced insult to the authority by which that prohibition was enforced. At the commencement of these proceedings it was, by your lordship, most distinctly stated, that no publication of any part of them was to take place till the whole was concluded ; and, on the following day, when the first trial commenced, your lordship repeated that in still stronger terms. Notwithstanding what your lordship has said, a partial and garbled account has been issued from the public press, under circumstances which appear to me to call for the highest visitation of any court of justice which does not choose to be made a party to its own degradation. It is not a fair statement ; to a fair report, perhaps, we should not object, but it is a partial extract of part of the attorney-general's opening ; reflecting not only on the prisoner who has been tried, but on the other persons who remain for

trial, which trials they cannot, by possibility, fairly take, unless the jurors should come unprejudiced by such garbled statement. I hold in my hand the only paper I have (though I understand that the others have an account also), the Morning Chronicle, which states that the Courier having published, under mask and disguise, the opening of the attorney-general, they will state what the attorney-general did say. Now, nothing can be more easy than to elude and laugh at the authority of the Court, if any two newspapers are to treat a Court in this manner ; the one to publish an imperfect account which never ought to be given, and then the other to give another imperfect account for the purpose of correcting the first : and what makes this infinitely more dangerous, is, that the first blow appears to have been struck on the part of a paper under the known influence of government.

Mr. Justice *Abbott*.—I do not know that any paper is under the known influence of government ; the Court can have no knowledge of such a fact.

Mr. Denman.—I was wrong, certainly, my lord, as I could not bring that before the Court on affidavit ; but it is put forward as an ex-parte statement on both sides : the one assures us that Mr. Oliver is at the bottom of all this, and the other that the ministers are taking a very proper part in the prosecution of these proceedings.

My lords, I can do no more than lay before the Court the newspaper in which this very imperfect account of the attorney-general's speech is inserted, calculated to prejudice the case in the minds of those who may read this ex-parte statement, and then I shall leave it to your lordships to do what you think proper.

Mr. Attorney General.—I assure your lordships that I lament as much as my learned friend can possibly—

Lord Chief Baron *Richards*.—Do you follow this up by any motion against any particular person ?

Mr. Denman.—No, my lord ; all I can do is to show that this has been done. If nothing is to be done with regard to what has passed, I hope the Court will re-inforce the order.

Lord Chief Baron *Richards*.—I do not know that the Court can make an order in stronger terms than that which they have made.

* See the indictment, and the preliminary proceedings at the commencement of the preceding case.

† Vide p. 766. 779.

Mr. Denman.—Your lordship was pleased to say you would visit the conduct of such persons with severe reprehension.

Lord Chief Baron Richards.—Yes, but we must know who they are.

Mr. Denman.—I have thought it my duty to lay it before the Court.

Mr. Attorney General.—My lords, I will not trouble the Court, at any length, on that which has been stated by my learned friend, Mr. Denman, but which has not been followed by any motion against any individual who has committed that breach of your lordships' order; still, after the statement of my learned friend, Mr. Denman, I do think it incumbent upon me, standing in the situation I occupy, to say a word or two to your lordships upon the subject. I assure your lordships, that till within the last ten minutes, I have not seen any account professing to be given by any body of what has been passing at Derby, for it does so happen, that with respect to that newspaper to which my learned friend has alluded, though I apprehend it was to be had yesterday in the village in which I was, yet I did not see it. About ten minutes ago, or not more, somebody, I do not exactly know who the person was, sent me one of the newspapers alluded to by my learned friend, namely, "The Courier." I lament, as much as my learned friend possibly can, that any person should, in any degree, have violated the order which your lordship gave on the first and on the second day, because it may tend, certainly, to pervert, in some degree, the administration of justice, by influencing men's minds: but, my lords, I am sure I can undertake to say for myself and for my honourable and learned friend who is here with me—and I am quite sure that I can undertake to state the same thing for every person who has any thing in the shape of efficient office under his majesty's present government—that neither they nor any body belonging to them, have wished, or could have wished, that any thing which has passed here should be stated to the public, till the whole can be fairly and properly stated, in the way in which it ought to be, as a complete account of the trials which have taken place.

One phrase my learned friend, Mr. Denman, has used, which I wish he had spared, as it may tend to prejudice men's minds. He has talked of papers under the influence of government; for myself, I know nothing of papers under the influence of government, or against the influence of government, or by whom they are employed, except as the sentiments of parties on public affairs appear upon the face of those papers; and all I can say is this, that whoever conducts the newspaper on the one side or the other, whenever a person shall be brought, by proper affidavits, before your lordships, for having violated the rule which has been laid down by your lordships, in such a way as that he shall appear to me to have com-

mited a contempt of your lordships' order, be he who he may, I shall feel it my duty, without favour to the one, or any thing like antipathy to the other, to found such motion as shall appear to my judgment to be right. If my learned friend can point out, at this time, who the person is who has violated this order, my learned friend can make that motion: I really know not.

The effect of the statement they make, does not appear to me likely to be that which my learned friend has described, but it is extremely improper that your lordships' order should be so violated. I see in one newspaper, a professed account of what was stated by me; something like a professed account of what I stated has been given by another newspaper; I lament it most extremely; I can only undertake to say for myself, and for all those with whom I have had any communication upon this subject, that we are as perfectly innocent of any thing in the shape of a publication, or of a design to publish, as your lordships (if I may venture so to express myself) who made that order, are yourselves. No man could reprobate it more than I do, for it is extremely improper—beyond a doubt it is extremely improper to publish, even correctly, the proceedings as they take place from time to time, whereby impressions may be raised, either one way or the other, in men's minds; and certain practices may be introduced which tend, in my opinion, extremely to pervert the administration of justice.

I have only taken the liberty of saying this, thinking it my duty, after what was said by my learned friend, to state, most unfeignedly, that I reprobate it as much as my learned friend himself can; I am extremely sorry it has been done; one knows it arises, sometimes not from a desire to do wrong on the one side or the other, but from a desire (if I may use the phrase) to increase the sale of the newspaper, in which the account is given: but I do hope, if there are any gentlemen here taking notes for the purpose of publishing the trial, that they will have the goodness to keep back those notes till the trials are finished, and then to make their publication, for I conceive it is a contempt of the court, and if any man produces affidavits to me of that being done by any persons within reach of your lordships, I shall feel it my duty to move your lordships that those persons may be committed.

Mr. Denman.—I beg leave to say, that I fully acquit my learned friend, the attorney-general; indeed it is not necessary to say that, for no person can suspect him of any participation in this. I think the apology of its being done to increase the sale of the paper is rather too lax, and I trust the court will find some means of vindicating their own proceedings.

Lord Chief Baron Richards.—It is a very unfortunate and very mischievous thing—mischievous in every point of view, and to all concerned—but all we know of it is, that a news-

paper is produced containing the accounts which are complained of; who published this newspaper, who furnished this account we are entirely ignorant. The attorney-general has put it, I think, upon its true ground; point out the parties and a motion will be made.

Mr. Justice Dallas.—In the trial which has been alluded to so often in the course of these proceedings, that of James Watson, a similar complaint was made, I recollected the circumstance while the learned counsel was addressing the court—I turned to the book and it now lies open before you. Upon Mr. Wetherell making the same sort of complaint which has been brought forward to day, lord Ellenborough said—"As you have announced that you do not mean to make any motion, the Court have no time to hear an address which is not to be followed up by proof; if you propose to move for an attachment, the court will very readily hear you."* Then in conclusion his lordship states—"If no motion is to be made, it is not necessary to enter into this."† Now, I can only say that we have no fact whatever before us at this moment, it is merely stated that a newspaper of a particular description has been published, the publication of which has drawn observations from another, but of this we know nothing; and for myself I can only say, that I have not seen the matter at length in the one or the other, one only I have in part by accident seen, but by whom published or under what circumstances is quite unknown to us.

With respect to the allusion to one of those newspapers as being under the influence of government, I own I think that might as well have been spared, because it is an observation that may be of dangerous tendency; but of this I am persuaded, that the government of the country, or those who in legal situations conduct the affairs of that government, would be the first to bring to public justice those who improperly report the proceedings of a court of justice; at present there is no motion before the court nor any affidavit which can be made the ground of a motion, therefore I think, following the precedent before us, we also ought to pass on to the business of the trial.‡

[The Jurors were called over.]

William White, farmer, challenged by the prisoner.

William Morley (of Chaddesden), farmer, challenged by the crown.

William Wilkes, farmer, excused, at his own request, having served on the former trial.

John Stretton, farmer, excused at his own request, &c.

Robert Beard, farmer, challenged by the prisoner.

Thomas Robotham, farmer, challenged by the crown.

* Antè p. 111.

† Antè p. ibid.

‡ See the cases of Arthur Thistlewood and others A. D. 1820 *infra*.

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William Salt, miller, challenged by the prisoner.

Robert Frost, farmer, excused on account of pressing business, the counsel on both sides consenting.

John Tempest, farmer, excused at his own request, having served.

John Heacock, esq. challenged by the prisoner.

William Bailey, farmer, challenged by the prisoner.

Samuel Wilder, farmer, excused at his own request, having served.

Thomas Archer, farmer, challenged by the prisoner.

Thomas Orme, farmer, challenged by the prisoner.

Samuel Archer, farmer, challenged by the prisoner.

Thomas Borough, gentleman, challenged by the crown.

Thomas Hall, farmer, challenged by the prisoner.

Thomas Ensor, farmer, sworn.

Walthall Spurrier, farmer, challenged by the prisoner.

Henry Spurrier, farmer, sworn.

Michael Goodall, farmer, sworn.

Thomas Lowndes, farmer, challenged by the prisoner.

Thomas Webster, farmer, not properly described on the panel.

John Bradshaw, farmer, challenged by the prisoner.

Robert Eaton, farmer, excused at his own request, having served.

Thomas Gilman (of Osliston and Thurstaston), farmer, excused at his own request, having served.

Thomas Sherwin, farmer, excused at his own request having served.

Thomas Gilman, (of Rodaley), farmer, excused at his own request, having served.

William Shipton, farmer, challenged by the crown.

Robert Shipton, farmer, challenged by the prisoner.

John Stretton, farmer, challenged by the prisoner.

Henry Yates, farmer, excused at his own request, having served.

Robert Steeph, farmer, challenged by the prisoner.

John Skevington, farmer, challenged by the prisoner.

John Oakden, farmer, excused at his own request, having served.

Isaac Statham, the younger, farmer, challenged by the crown.

Paul Caulton, farmer, challenged by the crown.

John Adsett, farmer, excused at his own request, having served.

William Beresford, gentleman, challenged by the prisoner.

Solomon Frost, farmer, challenged by the prisoner.

Robert Wagstaff, farmer, challenged by the prisoner.

William Morley (of Snelston), farmer, not a freeholder, &c.

William Statham, farmer, challenged by the crown.

William Harrison, farmer, challenged by the crown.

William Bakewell, farmer, challenged by the prisoner.

William Jerrom, farmer, fine remitted on appearance, challenged by the prisoner.

Richard Hollis, farmer, excused on account of illness.

Thomas Hollis, farmer, challenged by the prisoner.

Luke Turner, farmer, challenged by the prisoner.

Thomas Hall, farmer, sworn.

Henry Hall, farmer, challenged by the prisoner.

George Eaton, farmer, not summoned, residing out of the county.

William Walker, farmer, challenged by the prisoner.

Thomas Stretton, farmer, challenged by the prisoner.

John Wilson, farmer, challenged by the crown.

Richard Spencer, farmer, challenged by the prisoner.

William Greator, farmer, challenged by the crown.

John Byard, farmer, challenged by the crown.

Samuel Dean, gentleman, sworn.

Thomas Cooper, farmer, challenged by the prisoner.

John Wagstaff, farmer, sworn.

John Moorecroft, maltster, challenged by the crown.

Joseph Morley, farmer, challenged by the prisoner.

Joseph Wheeldon, farmer, sworn.

William Briggs, farmer, challenged by the prisoner.

James Osborne, farmer, sworn.

William Sale, farmer, challenged by the crown.

Richard Burton, farmer, challenged by the prisoner.

Philip Dawson, tanner, challenged by the crown.

Thomas Crompton, gentleman, sworn.

William Scovern, farmer, challenged by the prisoner.

Thomas Briggs, farmer, not a freeholder, &c.

Robert Briggs, farmer, challenged by the prisoner.

John Glover, farmer, sworn.

Cornelius Brough, gentleman, challenged by the crown.

Charles Matthew Lowe, farmer, challenged by the crown.

William Morris, farmer, excused on account of age.

John Haslam, farmer, sworn.

Benjamin Pickering, farmer, challenged by the crown.

Paul Spencer, blacksmith, challenged by the crown.

Thomas Ordish, farmer, sworn.

THE JURY.

Thomas Ensor,
Henry Spurrier,
Michael Goodall,
Thomas Hall,
Samuel Dean,
John Wagstaff,

Joseph Wheeldon,
James Osborne,
Thomas Crompton,
John Glover,
John Haslam,
Thomas Ordish,

[The jury were charged with the prisoner in the usual form.]

The Indictment was opened by Mr. J. Balguy.

MR. Solicitor General. — Gentlemen of the Jury; you are assembled here to-day upon a most serious and important investigation, preparatory to which it will be my duty to state to you, with as much precision and perspicuity as I can command, the nature of the charge exhibited against the prisoner at the bar, and of the evidence which will be adduced on the part of the prosecution in support of that charge.

The crime imputed to the prisoner at the bar is high treason, which, by the laws of this, and of every other country, is justly considered as the highest offence which a subject can commit; for it is not merely levelled at the existence of that government under which we have so long happily lived, but it must necessarily bring with it, in the attempt at its completion, (to use the language of a learned writer upon this subject) the greatest and most fatal danger to the peace and the happiness of the state.

The high treason imputed to the prisoner at the bar is, in the language of the first count of the indictment, and of the statute upon which it is framed, the levying war against the king; and I may state to you with confidence, that the nature of that charge is not confined to what the mere words at first may seem to import; but (to adopt the language which has been used in courts of justice):—"If there be an insurrection, that is, a large rising of the people, in order by force and violence to accomplish or avenge, not any private objects of their own, not any private quarrels of their own, but to effectuate any general public purpose, that is considered by the law as a levying of war; there must be an insurrection, force must accompany that insurrection, and it must be for an object of a general nature; but if all these circumstances concur that is quite sufficient to constitute the offence of levying war." Your attention, therefore, in the progress of this important trial is not to be confined, as I before stated to you, to the mere technical language of this indictment, corresponding as that does with the language of the act of parliament upon which it is founded; but you are to be guided by that exposition of the act of parliament which the judges of the

land have put upon it; and if you find that the facts, which will be laid before you bring this case within the law so expounded and so laid down, it will be your duty, however painful, to conform to the law as it is established, and to pronounce your verdict according to the evidence, and according to the law so explained.

There are other charges in this indictment to which it is barely necessary for me in passing to call your attention: because, unquestionably, the main and important charge against the prisoner at the bar is contained in that which is called the first count of this indictment. There are other counts, however, framed upon a more modern act of parliament, which charge him with having conspired, together with others, to depose the king from his royal station; and also to levy war in order to compel him to change his measures.

If the facts are proved, as I believe they will be, they will certainly establish one and all of these charges; but your attention need not be distracted by them, but it may be confined for the present, with respect to my statement, and probably will be so by the evidence, to the first count, which charges the prisoner with levying war; because you will learn, that not only was there a previous conspiracy to effect that which they afterwards attempted, but that it broke out into that which the law considers (and which if the law so considers, and the facts prove, you will be bound by the oath you have taken to find) an actual levying of war.

If I have had the good fortune to make myself intelligible to you, with respect to the nature of the charge against the prisoner at the bar (and I trust I have), I need no longer detain you upon what may be considered as the legal part of this case; because, undoubtedly after you have heard the whole of the evidence, you will hear that law much more clearly stated, and with much greater weight than I can presume to have, by the learned judges who preside upon the present trial; and, therefore, I shall content myself with repeating to you, that with respect to the offence charged against the prisoner at the bar it is, that he, with others, previously conspired, that they afterwards endeavoured, in pursuance of that conspiracy, by a rising and insurrection, and a considerable force, to overthrow and destroy the happy constitution under which we live.

I shall now proceed, with as much brevity as I can, to narrate to you the facts which will be proved in evidence; which, as you will easily perceive from what I have already stated, will be directed to two points; to prove an actual insurrection, and to satisfy your minds as to the object which that insurrection contemplated.

It will appear to you that, in the month of June last, and probably you will think, from the evidence which will be offered to you, previous to that month, a plan and scheme was formed by a great number of persons, of whom

the prisoner at the bar, William Turner, was one, to effect, if they could, an overthrow of the constitution. You will find that, on Sunday the 8th of June, a considerable number of persons met at a public house, in the town of Pentridge in this county, the sign of which, I think, was the White-horse.—I should state to you that, in the neighbourhood of Pentridge, there are, as you of course know, several parishes, the names of which will be brought under your notice. There is a place called Southwingfield, another called Ripley, another Swanwick, and another Alfreton; all of which will be particularly mentioned in the course of the inquiry. William Turner, the prisoner at the bar, was a stone mason residing at Southwingfield.—On Sunday, the 8th of June, a number of persons met about ten o'clock in the morning, at this public-house, called the White-horse; and the object of that meeting, as will be distinctly proved to you, was to arrange the plan, which they had long concerted, of breaking out into an insurrection on the following evening, or night of Monday the 9th of June. At this meeting a person attended of the name of Jeremiah Brandreth, who had been selected as the captain or leader of the party who were to proceed from this part of the country towards Nottingham; for their intention was to advance with a considerable force to Nottingham Forest, where they expected to be joined by another body, and then to attack and take the town of Nottingham. Upon this occasion, at the meeting at the White-horse at Pentridge, Brandreth (who, as I have stated to you, was to be their captain or leader, and to whom, on that account, was given then, or in the course of their progress, the name of the Nottingham Captain), being present, their plan was discussed, and their object, of effecting a revolution distinctly stated. William Turner, the prisoner at the bar, will appear to you, not only upon that occasion, but by his subsequent acts to be the person next in command, if I may use the expression, to Brandreth.

You will easily imagine that a plan of this sort could not be effected without arms; and, therefore, it became an important subject of discussion and inquiry upon this Sunday as to the nature and the quantity of arms which they might have upon their expedition on the following night. They had not been inactive upon this point; for, although they were not themselves possessed of a great quantity of arms, yet they had contrived the means by which they could supply that deficiency: and you will find that the prisoner, William Turner, upon this Sunday came prepared with a written paper containing a statement of the number of arms in the neighbourhood of the place in which he lived in Southwingfield parish, the persons who possessed them, and where they were to be found: and thereupon it was determined that on the following night, the houses of those persons should be attacked, and their arms taken, in order to provide themselves with weapons for the expedition to Nottingham.

Turner, the prisoner, expressed considerable disappointment that the other persons, who were assembled, had not been as active and forward as himself in procuring accounts of the arms which were thus to be taken; and he expressed himself, upon that occasion, with some discontent, and stated that, with respect to himself, and the persons at Southwingfield, they were much forwarder in this scheme than the persons who had attended from other parishes.

You will learn from the witnesses we shall call to you, that during the whole of the Sunday morning and part of the afternoon (from ten in the morning to four in the afternoon) the room at this public house, the White-horse, was occupied by Brandreth, by William Turner, and by many other persons, whose names are in this indictment—they were there, as it appeared, to receive communications and to digest their plan, and persons were from time to time coming into the room, to whom communications were made by Brandreth in the presence of Turner, and by Turner also, as to the nature of their plan, the time of their meeting, and the modes by which they were to procure arms and men; for they resolved not only to procure arms by force on the following night, but also to compel by threats as many persons as they could to join their party to march to Nottingham.

It was then settled, that the rising, as they termed it, should take place on the following night of Monday the 9th of June, and Brandreth the captain produced at this meeting a map of the country, stated various places from whence he expected bodies of men to join them in their expedition—stated also, that not only the neighbourhood in which they were assembled would concur, but that persons from the north, from Sheffield and other parts, would either join them or would follow them in this undertaking; it was arranged, therefore, that on the following night a meeting should take place of the Pentridge people, of the Southwingfield people, and of those from Ripley, Swanwick, and other places in the neighbourhood—they were to collect their forces, and were to meet at some point which was settled, in order to unite their bodies and then proceed to Nottingham; the Southwingfield people, it was determined, were to meet at a barn called Hunt's-barn, in the parish of Southwingfield.

I am now stating to you merely a general outline of this case, which will be filled up by the evidence, and therefore, for the purpose of saving your time and that of the Court, I abstain from stating all the expressions that were used at this meeting, on Sunday the 8th of June, because you will hear them from the witnesses, and they will have their due effect upon your minds when proved—my object is, not to influence your verdict but merely to give you such a general view of the case as will enable you to understand the evidence; for that verdict must be given, not on any statement of counsel, but upon the evidence. I

should here observe, however, that on this Sunday so confident were they of success, and in their numbers, that they made no hesitation in declaring in this room to all the persons who came into it, their object and intention, fully satisfied that no opposition to them could be effectually made.

On the following night of Monday the 9th of June they assembled according to their plan, part at Southwingfield, and amongst the persons who there assembled were Brandreth the captain, the prisoner Turner, and other persons, whose names will be mentioned to you in the course of the evidence—Turner came armed with a gun, Brandreth was also armed, and you will find that there was a quantity of pikes also at Hunt's-barn. Now the circumstance of the pikes shews that they must have had this rising for some time in contemplation, because those instruments must have been prepared for the purpose; from Hunt's-barn this party which there assembled proceeded towards the house of a person of the name of Hardwick, where they began that system which you will find they pursued to a great extent in the course of the night, namely, demanding arms and compelling persons to give up what arms they had in their houses; this they did at Hardwick's. They then proceeded to a person's of the name of Tomlinson, where this was repeated—you will find that at Tomlinson's, in order to induce him to give up his arms without resistance, it was stated to him what their object was, and that if he did not give them up that night, a cloud from the north would come in the morning and would compel him to do so.

They then proceeded to a place called Topham's-close, where they had expected to be joined by the Pentridge men, the party who set out from Hunt's-barn being principally Wingfield people; they did not, however, meet them there, and therefore a part of their body was despatched towards Pentridge in order to meet the Pentridge people if they should have set out on their march, and to conduct them round to a place called Pentridge-lane-end, where the bodies would be enabled to unite. The party left behind, commanded by Brandreth and by William Turner, proceeded to several houses: first to the house of a person of the name of Elijah Hall; at Hall's they met not with actual resistance, because he was unable to resist; he endeavoured, however, to prevent their attaining their object of taking his arms, but without effect; they used most violent threats towards him, and compelled him to deliver up his arms, and they forced his son, a young man who will be called to you, to join their party and to go with them; he proceeded with them to another house occupied by a person of the name of Isaac Walker, where they also procured other arms, and amongst the rest a pistol, which Brandreth, the captain, afterwards carried in a sort of belt he had made of an apron tied round his waist; from Walker's they went to the house of a person of the name of Samuel Hunt, and there they had refreshment given

them by Hunt, and he and another person in his family joined them, and accompanied them afterwards throughout their progress. From Hunt's they proceeded to the house of a Mrs. Hepworth, a widow, and there again in the same violent way, by knocking at the door, and attempting to force it, and by breaking the windows, endeavoured to compel Mrs. Hepworth to give up what arms she might have in the house; she, with a resolution hardly to be expected from a woman, resisted their efforts, and refused to let them have arms; they still persisted, and using most violent language, endeavoured to threaten her into a compliance with their requisitions, and finding, I suppose, the delay inconvenient, and that it was absolutely necessary to strike terror into persons to compel them to comply with their demands, you will find that upon that occasion, Turner being present during the whole of these transactions, arms not having been given, Brandreth, the captain, fired into the kitchen, the window of which they had previously broken, where, I believe, Mrs. Hepworth was, her son certainly, and some of her servants also, and shot one of the servants; he was mortally wounded, and died within a very few minutes after the shot.

I think it necessary to state to you here that which unquestionably you will be told in the progress of this trial, that the prisoner at the bar is not at present under a charge of murder; he is not to answer for that offence under this indictment, and therefore so far as that offence is concerned, it ought not to operate upon your minds; but thus far it must operate: it shows the character of their proceedings; it indicates that which you will find exemplified in the whole course of their progress; that resistance to their scheme was to be ineffectual, and that they resolved, at all hazards, to accomplish that object which they then had in view, even though the property, and still more the lives of their fellow subjects were to be sacrificed to it.

You will find that at this unfortunate transaction, the prisoner, Turner, was close to the person who perpetrated that act, and I know you will be told that which your own sense indeed would inform you, that it is not merely the hand which executes the act which is to answer for the offence, but that where persons are all joining in, and acting towards one common object, each and every of them is answerable for the acts of the whole; and not merely the hand that executes, but he who assists, is equally culpable; and therefore if you think these persons had one common purpose in view, every thing done in the promotion of it is to be attributed to each and every person concerned in the transaction.

After they had procured arms (for of course after this event arms were given to them at Mrs. Hepworth's) they proceeded to Pentridge-lane-end, where they were to be joined by the Pentridge people, and they were so joined. At that place, it was necessary to marshal them in something like a warlike way,

and Brandreth and Turner assisted in forming them; those with muskets were placed in the front, the pikes in the centre, and muskets again in the rear; Brandreth was the captain, and Turner was styled by some of them the serjeant; at Pentridge-lane-end some of them were detached to a place called Buckland Hollow; I do not know whether they compelled any persons at Buckland Hollow to go with them, but they procured arms, and then being re-united, they all proceeded up the village of Pentridge.

You will, I am sure, excuse me if I occasionally deviate from the regular order of the proceeding; for, in the multiplicity of facts, one is apt to forget to state every particular in its proper place. I told you that Nottingham Forest was to be the point to which they were to proceed, and you will find that on the Sunday, one of the persons, Joseph Weightman, was sent to Nottingham in order to procure intelligence, and money was collected for the purpose. I mention that now, because you will find that when they got to Pentridge on the night of Monday, they sent another Weightman, George Weightman, on a poney taken out of the stable of a person of the name of Booth, from Pentridge to Nottingham, in order to procure tidings, and he was to return and meet the party on their march at a place called Langley-mill. I mention this as confirming the evidence of the scheme which had been previously devised, and these circumstances tend to prove the execution of the plan which had been formed on the Sunday.

Weightman having been so despatched, the greater part of the body proceeded towards a place called Butterley. At Butterley there are extensive iron-works, carried on by Messrs. Outram and Jeasop, where a considerable number of men are employed, and you will find that on the Sunday some of the Butterley people, as they are called, attended at the White-horse, and that before the march was begun, on the 9th of June, the party had reason to expect they should meet with opposition if they attempted to procure arms or men at Butterley; for you will find one of the party, George Weightman, saying they expected to have an engagement at the Butterley-works. To the Butterley-works they now proceeded, under the direction of Brandreth, and with William Turner the second in command. When they arrived there, they knock at the door, and demand arms, but Mr. Goodwin, the manager of those works, with a courage and firmness which do him infinite credit, went out and addressed them, in the hearing of Turner, the prisoner at the bar. He said, upon their stating that they wanted men—"You have men enough with you for the purpose upon which you are going; you shall have no men here." He cautioned them as to the probable consequences of the acts they were about to commit; he laid before them the fatal result to which they would probably lead, but in vain.

Expecting resistance here, and delay being to be avoided by them, they proceeded, after this short parley with Mr. Goodwin, past the Butterley-works, and went down into the turnpike-road leading to Nottingham, where they were joined by another party, who had not proceeded with them to the Butterley-works.

From thence they went down to near Ripley, where they expected to be joined by others from that village, and in order to give them intelligence that they were arrived thus far on their road, they halted at the end of Ripley village, gave three cheers, and then proceeded on the turnpike-road towards Nottingham. They proceeded on that road to a place called Codnor, where they were joined by a considerable body of persons from Swanwick, or at least were so on their road there. It was a very rainy night; and at Codnor, having then got a considerable way on their march, they went into a public-house, and there many of them were refreshed. It will be very important for you to attend to what passed at Codnor, because there again you will find it stated by some of the conspirators, that their object was the overthrow of the constitution. You will hear indeed different expressions used at different times; sometimes they talked of pulling down the parliament house, at others of wiping off the national debt, and beginning afresh; all, however, tended to one object—to overturn the constitution as at present established; and, if they could, to begin some new system of government, but what does not distinctly appear: that however is superfluous if their object was to change by force the government as at present established; that is a treasonable object, which if they attempt to effect in the manner they here attempted, their acts in law amount to high treason.

From Codnor they proceeded on towards Langley-mill, and in their way between Codnor and Langley-mill, they called at the house of a person called Sterland, and insisted upon arms; and three persons having secreted themselves in a barn belonging to that house, and hearing this noise, and watching the party, inadvertently came out of this barn before they had all gone by; they were seen by the prisoner Turner, and others of the conspirators, and William Turner was most active in endeavouring to force these persons into the ranks; and so far from having any compunction at the unfortunate act they had committed at Mrs. Hepworth's, it was now used by Turner as an inducement to these persons to enter into their wicked designs and join their party; for he intimated to them they would follow the fate of that unfortunate person at Mrs. Hepworth's, if they attempted to oppose the design they had in view.

They then proceeded to the house of a person of the name of Raynor, where the greatest resolution was displayed by the young Mr. Raynor, for he opposed their designs, although threatened in the most violent way: he disregarded their threats, threats referring to the

unfortunate and melancholy transaction at Mrs. Hepworth's; and you will find that the prisoner Turner was upon that occasion the most active of the party: they compelled one young man from Raynor's to join them, and they then proceeded on their route to Langley-mill, where, as I told you, they were to meet George Weightman on his return from Nottingham.

When they set out, their plan was to have arrived at Nottingham Forest by about two o'clock in the morning, but by the delays they had met with in forcing different houses, and in procuring arms, they were much later than they intended to have been, so that when they got to Langley-mill, the hour of two had long elapsed: however, George Weightman was there met, and represented himself to have gone to Nottingham. After some conversation with Brandreth, he rode along the ranks, and many of the persons were very anxious to know what was passing at Nottingham; and (whether Weightman thought they had proceeded too far to recede, and that therefore it was necessary to keep up the spirits of the party I do not know, but) he stated that all was going on well at Nottingham, that the place was taken, that the soldiers would not go out of their barracks, and that therefore they must push on to the place to which they had been originally directed. That was a false account, but I shall presently state to you what had really been taking place at Nottingham in the course of that morning: however, this induced the larger part of them to persevere; they proceeded towards a place called Eastwood, where I believe other persons were met from Nottingham; suspicious, however, began to arise in the minds of many of the party; the day had broken, it was now seven or eight o'clock on the Tuesday morning, the party began to diminish, and I believe they did not advance much farther in their march towards Nottingham, because in the mean time, from some circumstances which had taken place at Nottingham, the people of the town had become alarmed, the military had been called out, and were now seen advancing: you will hear, however, from captain Philips, that an attempt appeared to have been made by one of the men to form them in the road, apparently for the purpose of resistance, but that was soon abandoned, and they fled in all directions, many of them were taken prisoners, and amongst the rest the prisoner, Turner, was found, secreted in a ditch near the road, and was taken in the presence of one of the magistrates, the high sheriff of this county.

It is very important to know what was going on at Nottingham at this time; and from the evidence it will appear, that on the night of the 9th, considerable agitation appeared to prevail in the streets of Nottingham; that there was an unusual assemblage of persons in the streets; and about twelve o'clock at night, a person, who lives on the race course on Nottingham Forest, on his return home to his house, observed a considerable party of men,

with pikes I believe; he will tell you that they amounted to, as he conceived, nearly a hundred men, and they were drawn up in a sort of line: he was accosted by them. I will not state particularly to you what passed, but you will find, that after he got home, that which was doing at that time at Pentridge, and at Southwingsfield, and in the whole course of that march, was attempted also to be effected at his house, namely, the procuring arms: they knocked at his door and called for his arms, but he, with a resolution which does him credit, said that he would not surrender his arms to them, and that he would shoot any person who attempted to force his way into his house. It is most important for you to observe what these persons were about at this hour, when you find the declarations made at Pentridge on the day before, and on that same night, that the party were to march to Nottingham Forest, to meet others, and to be there about two in the morning; for you will find that about two in the morning or rather after, the people assembled on Nottingham Forest, probably from not finding the arrival of the expected assistance, or from some other cause, dispersed.

Thus ended the transaction of that morning. I stated to you, that in consequence of what appeared at Nottingham, the military were sent out, and some magistrates with them. They advanced on the Tuesday morning on the road towards Pentridge and Ripley, and met several persons on the road on their march, who dispersed at the sight of the military, and threw away their arms and their pikes; and a large quantity of pikes and guns was collected by the magistrates, some of which will be produced before you to day.

But there is another very important fact which confirms the whole of this account, for you will find by the evidence of a person who had the resolution to retire from their party at Langley-mill, Henry Hole, that on his return towards Pentridge, he met two considerable parties advancing on the same road; so that that which had been contemplated on the Sunday, was evidently carrying into effect on the Monday night, and bodies were collecting together from different places: this was evident not only from what passed on the march of these people, and their being joined at different places by parties, but is still further confirmed by the testimony of Hole, who met other parties on the same road, armed in the same manner, after he had retired from Langley-mill on Monday the 9th, or early on the morning of Tuesday, the 10th.

Such is the general outline of the transaction which will be proved to you. I assure you it has been my endeavour, and my anxious wish, not to exaggerate a single fact, which will be laid before you in evidence; it would ill become me—it would ill become any advocate standing in my situation—to do so. The only object I have in view, is, to have a calm, deliberate, dispassionate inquiry into the trans-

action—to excite no prejudices—to influence no partialities; but, to lay before you a plain distinct narrative of the facts, as I believe they will be proved; and if they are proved, it will be for you ultimately to determine, whether these facts support the charge which is made against the prisoner at the bar, or whether they do not. If after you have heard the transaction, you can entertain no doubt that there was a rising or insurrection (and upon that, the evidence will be so strong and conclusive, that I apprehend that no rational man can entertain a doubt) then the question will be, what was the object of that rising?

If this was a tumultuous assembly riotously met at the instant, without any plan, without any organization, and to which we could assign no definite object, no distinct purpose, then unquestionably you might fairly say we have not a case of high treason proved against the prisoner at the bar; and it would not be a case in which my learned friends, on behalf of the prisoner, would be called upon to assign any distinct object for their conduct. But if the object, if the plan be distinctly proved by the best of all possible testimony, their own declarations and their own assertions, and you are satisfied that the object of that plan was a revolution and a change of the government; if their whole conduct points to that end, and as that alone, then, however reluctant you might feel to give your assent to such a proposition, yet if forced upon you by the evidence in the case, and no room is left for speculation or theory as to their motives or their object, you ought not to hesitate about the conclusion.

It has been said, that many of these persons were reduced to poverty and distress (I knew not how the fact is, though I believe it to be otherwise) and that they were acted upon by the miseries they felt; but, gentlemen, those miseries and privations do not usually tempt men to assemble together to overturn the constitution, but if they were suffering under those privations it is strange that when they attack the houses of persons, it is not for food but for arms, it is not for sustenance but for men.

But enough of the nature of the scheme and of the object they had in view. As I have already said, it is not my wish to excite your feelings in the least degree upon the subject of this prosecution, it must be admitted by every person who has heard my statement that it is a most serious and important case, it is a case not only of great moment as it concerns the prisoner at the bar, but as it affects the public at large; if after you have heard the whole of the evidence offered on the one side and the other you can entertain a reasonable doubt (for it must be a reasonable doubt) upon that evidence, in that case unquestionably it will be your bounden duty to give the prisoner the benefit of that doubt and acquit him; but if, as reasonable and as honest men, you find that there is no room for doubt, then you are not to look either to the consequences to the prisoner at the bar or to any other persons by your verdict, but to

keep steadily in view the duty imposed upon you, and keeping that in view you can never err—you are not to look to the right or the left but to consider what the evidence has been, whether it be credible, whether it be given in such a way as to be believed by you, and if on weighing that evidence, you as honest men, cannot but say that the charge against the prisoner at the bar is proved—that there has been an insurrection—that the object of that insurrection is but too plain and too evident, namely, that it was aimed at the constitution and government of the country, then whatever be the consequence, discharge your duty with firmness (I know you will do it with honesty and integrity) and pronounce that verdict which alone can do justice to the case and satisfy the community at large.

EVIDENCE FOR THE CROWN.

Anthony Martin sworn.—Examined by
Mr. Sergeant *Vaughan*.

Did you live in the service of Outram, Jessop, and company, at the Butterley-works, in June last?—Yes.

Do you know the prisoner at the bar?—Yes.

Did you, on the morning of the 8th of June, go to Pentridge with any body?—Yes.

Who accompanied you?—John Cope.

From Butterley?—Yes.

You walked from Butterley to Pentridge with John Cope?—Yes.

At what time of day might you arrive at Pentridge?—Between nine and ten o'clock in the morning.

Did you go to the White Horse?—Yes.

Did you go into the parlour or the house part?—We went into the house part first, and afterwards into the parlour.

What number of persons might you find assembled there?—There were five or six people when we got there.

Not more than five or six?—Not when we got there, they kept coming in.

Do you remember the names of any of them?—Brandreth was one.

Jeremiah Brandreth?—Yes; George Weightman, Thomas Weightman, and Joseph Weightman.

By whom was the house kept?—By Nanny Weightman.

Were George, Thomas, and Joseph any relations of her's?—Yes, her sons.

Whom else did you see there?—There was another Joseph Weightman, who lives in another part of the town.

Do you remember any other names?—John Bacon was there.

Anybody else?—Ormond Booth.

How soon did you see the prisoner at the bar there; was he there when you went in?—It was after dinner.

What time might that be?—Between one and two o'clock.

At the time of your seeing him there, were

Brandreth and those you have spoken of there also, or had they left the place?—They were there.

How many might be there between one and two o'clock?—There were upwards of a score I believe.

Was there any other Turner than William Turner there?—Not that I recollect; there were some persons there whom I did not know.

Do you know Ludlam?—Yes.

Which of them?—The elderly man Isaac.

Edward Moore?—Yes, he was there.

Any other Moore?—Yes, John Moore.

Do you know a man of the name of Mac Kesswick?—Yes.

Was he there?—Yes.

John Mac Kesswick?—Yes.

Was Fletcher there, or Elsdon?—Yes, there was Elsdon, and Shirley Asbury, and there was one Bramley there.

What was the conversation about at this meeting; what were they talking about?—They were all talking about this revolution.

What revolution? what was the course of their conversation?

Mr. Cross.—Be so good as to ask whether it was after Turner came into the room?

Mr. Sergeant *Vaughan*.—After Turner came into the room, what was their conversation about?—About pikes, and arms, and pistols, and swords.

What part did he take in the conversation? what did he say to those who were present?—He wanted to know where the list of their arms was.

Of whom did he want to know that?—He wanted to know of John Cope, and the Pentridge people, where their arms were, and a list of them.

What did they say to him upon his making that inquiry?—They said they had not got a list, that they had got a few guns, but they had no pikes.

Upon finding they had no list, and that they had only a few guns and no pikes, what did he say?—He said he thought their parish was the forwardest of any, for that they had even turned out to get pike-shafts in the day time.

What parish was that?—Wingfield.

That they had turned out in the day time to do what?—To get pike-shafts.

What further did he say about what was to be done?—They were talking of drawing the badger.

What did they say about drawing the badger?—Cope said he had heard there was a plan to draw the badger, and he wanted to know what it was, and Turner told him that it was to lay a bundle of straw, and set it on fire, and the badger would come out, and then they would shoot him.

Was it explained, in the course of conversation, who this badger was?—Not that I heard.

Was any thing said about vermin?—Yes,

they said they had got vermin to kill in their own parish, and they meant to kill it before they left it.

Who said that?—Mr. Turner.

You have been telling us about a list of arms, and so on; did Turner produce any list?—Yes, and Ludlam read it.

Was that upon paper?—Yes.

To whom did Ludlam read it?—To the whole company.

Did he read it for the whole company to hear?—Yes.

For what place was that?—Southwingfield.

Was it stated where any arms were?—Yes, he said they had got a quantity of pikes made; that they were ready in a stone quarry.

Who said that?—Turner.

Was this conversation at all a secret, or public?—It was openly in the room.

Were any private houses mentioned as having any arms?—There were private houses mentioned in the list.

Were the houses read that were supposed to contain the arms?—Yes.

Do you remember the names of any houses that were supposed to contain the arms?—Yes, Master Stelley's was one.

Mr. Cross.—Ask him whether he read the list himself.

Mr. Sergeant Vaughan.—No, Turner produced the list, and Ludlam read it?—Yes.

And in that there was a list of the persons houses where arms were?—Yes.

Do you remember any other than Stelley's?—Yes, George Godber's.

Were there any gentlemen's houses mentioned?—Yes, some were to be fetched from Mr. Halton's.

From colonel Halton's?—Yes.

Do you remember the number?—There was an account of the number, but I do not recollect it.

These were read by Ludlam from the account produced?—Yes.

Was it stated upon the paper where any of those houses were?—Yes.

Were any in Wingfield-park?—They were all in Wingfield-park and parish.

You do not remember the number of arms that were supposed to be in the parish?—No.

Was Brandreth there during the whole of the time?—Yes, he was.

What was he doing?—He sat in the centre of the room.

Who was addressed as the leader of the party, as the captain?—Brandreth.

What had he before him?—He had a map before him.

What was he doing with that map?—He was showing the people the places.

Mr. Cross.—Have the goodness to confine him to what passed after two o'clock, when the prisoner came in.

Mr. Sergeant Vaughan.—I do not wish to

invite any discussion, but I do not conceive I am precluded from asking as to what passed previously.

Mr. Cross.—I submit to your lordships that what passed previously to his coming in cannot be received in evidence against him, and it appears to me of great importance to distinguish the evidence this witness may give: it has been thrown out that the prisoner adopted all which had been said before; I have heard no evidence of any such adoption at present.

Mr. Sergeant Vaughan.—My lords, he is complaining of the slowness with which others are coming in. The whole of the conversation denotes a previous acquaintance on his part with what was going forward: he speaks of the pikes being ready, and reproaches the other persons with being in a more tardy state. I submit, therefore, that this is not the case of a person found for the first time either connected or acquainted with the parties to the proceedings; but that he is, from the statement already in evidence, to be taken to be apprised of and privy to the proceedings which had taken place.

Mr. Attorney General.—Besides which, my lords, I apprehend, when a certain number of persons are found together, that that which is stated by one of the persons in the presence of the others (the prisoner at the bar being one of those who were present during a considerable part of the discussion going on) is evidence against the prisoner at the bar. What effect that evidence may have, must depend upon circumstances which may be inferred from that which passed at the time when this had recently taken place, or from facts which shall have been done by the prisoner at the bar, either at that or at a subsequent time. When my learned friend, Mr. Cross, says, a man coming into the company of a great many others is not to be affected by that which passes from the others, that depends upon what passes afterwards.

Lord Chief Baron Richards.—The Court have no doubt upon this.

Mr. Sergeant Vaughan.—You say Brandreth had a map before him: What was he doing with that map?—He was pointing out the different places at which they were to assemble, as I suppose.

What did he do with this map? never mind what you suppose him to do.—He opened the map, and showed different people where they were to meet, and it was pointed through with a pin.

Did he say where they were to meet?—Yes; he pointed out on that plan, to the people who were connected with the job I suppose, where they were to go; it was pricked through with a pin.

Was there any secret made of this? was it in a low tone of voice?—It was not a secret; it was open in the room.

Was the conversation which took place open and public?—Yes.

Was anything said about government?—Yes.

What was said?—That nothing could be done except by the overturn of government.

Mr. Cross.—With great deference to your lordships, I submit that that is not the proper way to examine a witness on so important a subject. Was anything said about the government, then he should be asked what passed.

Mr. Sergeant *Vaughan*.—I submit to your lordships, that “was anything said about the government,” is not a leading question; it might be a most loyal expression; it was only drawing his attention to the particular fact, without suggesting what it was. Was any thing said about the government?—That there could be nothing done without an overturn of the present government.

What further was said about the government? did Turner take any part in that conversation about the government?—No.

He took no part in that?—No.

Do you remember who said that?—Brandreth.

Was that said more than once, or only once?—It was said more than once.

Was it said by Brandreth in the presence of Turner, while Turner was there?—I cannot recollect that it was.

What did the conversation continue upon?—All about the revolution, and how they were to get their arms.

Was anything said as to the places to which they were to go?—To Nottingham.

Who mentioned that they were to go to Nottingham?—Brandreth.

For what purpose were they to go to Nottingham?—To go to Nottingham and take the town.

Was any thing said about what they were to do after they had taken the town?—Yes; they were to return and fly to the barracks which were marked upon the map.

What was to be done at the barracks?—They did not say in my hearing.

When they had taken the town of Nottingham and the barracks, was any thing then to be done?—They were to return back, and there was a large quantity to come and meet them.

From what places were they to come?—They expected them the next day.

From what part?—From the north; they said all the northern parts were coming.

Did they mention any populous places by name?—Yes; they mentioned some by name, but I cannot recollect what they were.

That they were coming the next day?—Yes.

Was anything said about Butterley? what was to be done at Butterley?—That they were to make barracks of Butterley; they were to return and take Butterley-works and make barracks of them.

Were there any men in Butterley? what was to be done with those men?—They were to make all those men go.

Was it stated as part of the plan that they were to take the men at Butterley with them?—Yes.

Was there any thing said as to those who were willing or unwilling to go?—Yes; they said they would make all go they could, and them that would not go, they would shoot them.

Was any thing said about the tide?—Yes.

What was said about the tide?—That the tide might as well be stopped as them, that the tide could as soon be stopped as them.

Was the failure or success of the enterprize talked of?—Yes.

What was said about it?—I cannot recollect what was said.

Was any opinion expressed as to whether it would succeed or fail?—They were talking that they should succeed, they thought.

Were any verses recited there by any body?—Yes, by Brandreth.

Do you remember any of them?—Yes, some little.

State what you recollect of them.—

“Every man his skill must try,

He must turn out and not deny,

No bloody soldier must he dread,

He must turn out and fight for bread.”

Any thing further?—Yes,

“The time is come you plainly see

That government oppos’d must be.”

I do not know that that was spoken while Turner was in.

Was that mentioned more than once? Do you know whether it was mentioned at any time after he was in?—I do not know.

Was any thing said about the Ripley people or the Butterley people?—Yes.

Did Turner say anything about them?—Yes.

What did he say?—He wanted to know where their arms were, he asked them to assist them in their parish, that he thought they had got a little more to do in their parish than many others, and he asked them to assist him, the answer Cope replied to him—

Cope was a Butterley man?—Yes.

What were they to assist him in?—To draw the badger, I suppose.

Was that mentioned?—Yes, that they were all to kill their own vermin, that he wanted them to assist in drawing the badger and killing the vermin in that parish, that he thought they had so much to do they should hardly get through, they said they thought they had enough to do.

Do you know who it was that gave that answer?—Cope.

He was a Butterley man?—Yes.

What answer did he give?—He said he thought they should have enough to do in their own parish without assisting them.

Did Cope say any more to you, or was any answer made by Turner to him?—Yes, he said

he thought they could get through themselves, but they had rather have a little assistance.

Did Turner say any thing when the badger was talked off?—Yes.

What did he say?—He talked about shooting the badger.

Was any thing said about Nottingham, or sending any body to Nottingham?—Yes; they gathered some money, and sent Joseph Weightman off to Nottingham.

What were they to send him off to Nottingham for?—To know whether the Nottingham people were ready; and he was to come back: that was before Turner came there.

Did he set off before Turner came in there?—Yes, he did.

Did Turner say anything about any party that was to come from Nottingham?—I do not recollect it.

You say you saw Mac Kesswick there. Did you hear Mac Kesswick say anything?—Yes; he came and looked round, and said he thought there were too many there for that business.

Do you remember what answer was made upon his saying that he thought there were too many there for that business, and by whom the answer was given?—No, I do not. When Mac Kesswick came in he asked the Captain how he was.

He asked Brandreth?—Yes.

What did Brandreth say?—He said he did not know him. He said, "Do not you recollect a man that came with you part of the way along the road?"

Did he seem then to recollect him?—Yes.

Were you at the Butterley-works on the Monday night, or the Tuesday morning?—Yes.

Were you disturbed there? Did any party come to you there?—Yes.

What time in the morning?—About three o'clock.

Who were with that party?—I do not remember one-half.

Was the prisoner there?—I cannot swear that he was there.

Was Brandreth there?—Yes; there was Turner's brother there.

What party came there?—The last party.

There were two parties?—Yes.

You saw the last?—Yes.

You cannot say whether the prisoner was there; but you saw his brother?—Yes.

Do you know who was the leader of the second party?—They said that Turner was the leader.

I do not want you to tell me what they said; you do not know who the leader of the second party was?—No.

Did you see Turner there?—I cannot exactly say.

What did they do?—They began hitting the doors with the end of a gun.

Do you know who did that?—A person of the name of Turner.

Not the prisoner?—No.

What did they do or take from thence?—They took some men along with them.

What men did they take with them?—Joseph Onion and John Walker.

How many men did they take with them?—Thomas Hardy and James.

Did they take any arms from thence, do you know?—No, not that I know.

Anthony Martin cross-examined by *Mr. Cross*.

About what hour did you go on the Sunday morning to the public-house?—Between nine and ten o'clock.

You went with your friend Cope?—Yes.

What business did he go there for, do you know?—He was upon the same business; he knew something about it.

And you were at that time a constable, we understand, and went with Cope?—Yes; but I did not know that he was going at the time he asked me to go.

You did not know you were to hear any thing of this matter when you went?—No.

How long did you stay there?—I stayed there from that time till between three and four o'clock in the afternoon.

From nine to three or four?—From ten perhaps.

You were there six or seven hours?—About six hours.

Your friend Cope knew of these matters you suppose?—He had something to do with them.

Did he object to them or concur in them?—He objected to some part.

He entered into their deliberations, concurred in some part but objected to others?—Yes.

Did you take any part in the deliberations?—No.

What were you doing all these six hours?—I was drinking a pint of ale.

Six hours to drink a pint of ale is a good while; did you converse with any body to relieve your solitude during that time?—There were several from our works; John Hart and Shirley Asbury.

Were they, like yourself, the audience, or part of the performers?—They called them into the house, and they called them into the parlour.

That is, Brandreth and the others called them into the parlour?—I cannot recollect who called them into the parlour.

The parlour is the room where this conversation took place?—The room was always open, there was no secret that I saw.

Was there any thing to prevent your going?—Home?

Yes.—No further than I wished to go back with the people that I came with.

With Cope?—Not Cope particularly; I asked Shirley to go with me.

You went with Cope?—Yes.

Did you go with any body else but Cope?—No.

Then you were waiting till Cope had done his business?—Yes.

And all the business he transacted there you were a quiet spectator of?—I knew nothing about the business.

So when Cope had finished his business, you and Cope departed together?—Yes, we went home.

How far was the nearest justice at that time?—Two miles.

And so hearing that the government was to be overturned, and war break out next day, you being a constable, with a justice within two miles, did not think it was a matter of yours?—They had threatened any person's life that did any thing against them; that I was frightened.

Why, man, how should they do that, when you tell us they made no secret of it?—They made no secret there, but they said that any person who did any thing against them, they should call on them another day.

You say they made no secret of it; what then do you mean by saying they did not care who heard it, and then that they threatened that if any man divulged it he should be shot?—Because they thought nothing would turn them.

Then where was the harm of your going to tell a justice of the peace that which they were publishing to all the world?—I did not understand any thing about going to tell a justice of the peace; I was only a special constable.

You being only a special constable, you did not understand it was your duty to call the attention of a justice of the peace to it?—I told them to take care what they said many times, that I was a constable.

I ask you whether you mean to swear, that being a special constable, you did not understand that it was your duty to let a justice of the peace know what was going on?—I did not; I was only sworn in constable the day before, on the Saturday night.

We are to understand you were so inexperienced as a special constable as not to know it was your duty to communicate this matter to a justice of the peace?—I did not understand.

Now, upon your oath, did not you know that you were sworn in as a special constable for that express purpose?—I did not know that I was, excepting there were some riotous disturbances.

What became of your friend Cope on Monday?—I do not know what became of him on Monday; I was not with him, I was at work.

And he was off, was he?—I do not know where he was.

When you got Cope alone, on your way home, did you take him before a justice, or admonish him at all?—No.

Did you spend your evening with him?—No; I went home.

The constable and the traitor arm in arm, as friends together?—No, we were not arm in arm.

Not exactly arm in arm, but you kept together pretty nearly?—We were together on the road.

And you never found fault with him, and had no objection perhaps?—I had nothing to do with him, he did not say any thing to me upon that piece of business on the road.

Nor you to him?—No; I did not know anything at all about it till I was going to Pentridge.

That I did not ask, now you are shuffling off; the question is, whether anything passed between you and him as you left the public-house?—No, nothing at all.

Perhaps you thought there was nothing in it?—I did not know what to think about it.

You did not know what they were about?—Not exactly.

Cope did not understand any more than you perhaps what they were about?

Mr. Gurney.—What he thinks another thought cannot be evidence.

Mr. Cross.—It did not appear to you that the poor fellows understood what they were about?—I cannot speak to that.

Were they drinking much?—They had all some little liquor, but they did not drink much. Six hours as well as yourself?—Some of them.

Some of them had been at it all night?—I cannot say anything to that.

They had no arms?—I did not see any arms.

You left between three and four?—Yes.

So that the greatest part of what you heard in that room was over before Turner the prisoner came?—Yes, part of it was.

And the greatest part too, was not it? you went at nine, and he did not come till between one and two?—There was part of it over, but not the greatest part, I think.

Can you distinguish clearly what happened before, and what happened after his arrival?—No, I cannot.

But as to Brandreth's expression about overturning the government, you say fairly the prisoner was not there to hear it?—I cannot say whether he was there or not.

As to those verses that were repeated, Brandreth repeated those?—Yes.

And you caught them up directly, did you?—No; I did not get them there.

Where did you get the rest?—He gave Cope a paper and I saw the paper the next day, Shirley Asbury had one.

What you have recited to the Court to-day, and could not recite before,* you learned from a paper you saw on the Monday?—I saw the paper on the Sunday.

And you learned it on the Monday?—Yes.

To whom was that delivered?—There was one delivered to Shirley Asbury, one to Elsdon, one to George Weightman.

Which of them showed you one?—John Elsdon, on the Monday.

Where have you been learning this since you

* See the examination of this witness on the trial of Brandreth, *ant* p. 798.

were here last, you could not recollect it then?—I recollected it as soon as I went out.

Nobody has reminded you?—No.

For what purpose did you learn them by heart?—People was asking what it was, and I recollected in a space of time what it was.

For what purpose did you learn them by heart?—I do not know for what purpose.

That you might keep the secret lest they should shoot you?—Yes.

You got them by heart in order that you might be sure to keep them secret?—I did not mind about keeping them secret, when I got them off they were spoken openly in the place.

Was that the whole of it?—The whole for what I know.

That was the whole of what you heard?—Yes.

You cannot say that you saw the prisoner amongst them on Monday when they came to Batterley?—No, I cannot.

Anthony Martin re-examined by Mr. Sergeant *Vaughan*.

You say that part of the conversation was over, but did the same sort of conversation continue after Turner came into the room?—Yes.

Were they talking on the same subject?

Mr. *Cross*.—We cannot hear anything of the subject of the conversation, nor the quality of the conversation that passed after the prisoner came in; this is put into a question as summary, as the whole of the evidence of this witness; we have heard the sort of conversation that preceded, and what was the sort of conversation that continued, but I submit he cannot specify the sort of conversation that followed.

Mr. *Denman*.—I submit that this question cannot be put, that is taking the judgment of the witness upon the sort of conversation, particularly when so ignorant a witness is examined.

Mr. Sergeant *Vaughan*.—I submit to your lordships that there can be no objection to the question whether the same subject was continued.

Mr. *Cross*.—The question was whether the same sort of conversation continued?

Mr. Sergeant *Vaughan*.—Meaning by the same sort of conversation the same subject.

Mr. *Denman*.—But I think the objection equally applies to the question, as it is explained by my learned friend.

Mr. Sergeant *Vaughan*.—I submit that the question may be put whether the conversation continued on the same subject, but I will vary the question to prevent any debate upon it.—What was the subject of conversation after Turner came into the room?

Mr. *Denman*.—That I object to, my lords; he has already said what Turner said upon parti-

cular occasions; if my learned friend wants anything else besides that proved to have been said by Turner or what was said in the presence of Turner, let my learned friend put that question so as to bring his mind to that point, but I apprehend that generally asking the witness to the subject of conversation is not the mode of proving what Turner said, what was said is to be proved by those who have a memory upon the subject not those who at a distance of four months exercise an opinion upon the subject.

Mr. Sergeant *Vaughan*.—I submit to your lordships that the question is a proper one—first, what was the subject of conversation, and then, what was the conversation which passed upon that subject?

Mr. Justice *Dallas*.—We have got all that passed after Turner came in.

Mr. Justice *Abbott*.—The witness has already given an account of what passed; he has told you a great deal that Turner himself said.

Mr. Sergeant *Vaughan*.—He has, my lord, I will leave it there. You have been asked whether there were any arms in the room, and you have told us there were none in the room?

Mr. Justice *Abbott*.—That he saw none.

Mr. Sergeant *Vaughan*.—Were any places mentioned where arms were to be found and where they were deposited?—Yes, the stone quarry.

Now as to your being a special constable, when you were sworn in as special constable what were your instructions?—I do not recollect exactly what it was.

But you were not an ordinary constable, but only sworn in for the purpose of any riot that might arise?—Merely that.

Shirley Asbury sworn.—Examined by Mr. *Clarke*.

Where do you live?—At Greenwich, in the parish of Ripley.

What is your employment?—I work in Mr. Jessop's works at Batterley.

Was John Elsdon a workman there also?—He was so.

Do you remember on Sunday morning the 8th of June, taking a walk with him?—Yes.

In the course of that walk did you call in at the White-horse at Pentridge?—Yes.

About what time in the day was it when you got to the White-horse?—About twelve o'clock.

Into what room did you go?—Into the kitchen first.

Did you call for any thing to drink?—Yes.

Whilst you were in the kitchen, do you happen to know whether there were any persons in the parlour?—No, we did not know that there was anybody there when we first went.

Did Mrs. Weightman come to you?—Yes.

Did you hear her say anything to anybody in

the parlour first?—She went into the parlour and told them there were some Butterley chaps in the kitchen, and asked whether they might come in.

You heard her say that?—Yes.

Did she know that you and Elsdon worked at Butterley?—She did not know that I did; I suppose I was a stranger, I never was in the House before.

Did she know Elsdon?—I do not know.

But she said some Butterley chaps were there?—Yes.

What answer was given to that question put by her to the persons in the parlour?—They told her we might come in for there was nothing there that was a secret.

Upon their giving that answer, did Mrs. Weightman come to you?—Yes, she asked if we would go into the parlour, we said we had no objections.

Did you go in?—Yes.

Both of you?—Yes.

When you went into the parlour, what number of people did you find in the room?—About twenty.

Do you remember some of them?—Yes.

Was John Cope there?—Yes, Anthony Martin, Jeremiah Brandreth, Ormond Booth, Mac Kesswick, William Turner, Ludlam.

What William Turner was that?—Of Wingfield.

Was it that William Turner who is there?—Yes.

Was he there when you went in, or did he come in afterwards?—He came in afterwards.

Whom did you see in the room when you first went in?—I saw Cope there when I first went in.

Did you see Brandreth?—Yes.

Weightman?—Yes, three Weightmans.

Anthony Martin?—Yes, and some others.

What were they talking about in that room?—They were talking about the revolution.

What revolution?—The revolution that was going to commence on the next night.

Who spoke on that subject, do you recollect?—It was Brandreth that mentioned it.

What did Brandreth say?—He first pulled out a map, a map of England, and was pointing out different places which they were to take.

Did you see the map?—Yes.

Were there any marks?—Yes, prick-marked, pricked with a pin.

What were they to do?—They were going to overturn the government, and they talked that there would be no good doings till such time as it was done.

Who said that?—William Turner.

What time did William Turner come in?—It might be about one o'clock; I cannot exactly say.

William Turner said, that there would be no good doings till that was done?—Yes.

What was to be done for the purpose of thus overturning the government; did you hear that?

—No I cannot say that I did.

What were those people who were there, to

do? You say a revolution was to take place the next night; what were they to do?—They were to go from Pentridge to Wingfield first, and William Turner wanted Cope to go there to join them. Cope said, he should have nothing to do with them, that they had plenty to do at home.

To what place were those persons to go?—To Nottingham.

What were they to do when they got to Nottingham?—They were going to take Nottingham.

What were they to do after they had taken Nottingham?—They were to go from Nottingham to Newark. They said it would be like a journey of pleasure from Nottingham to Newark; that they should go down by the Trent boats. It was Brandreth said that.

Was there any poetry repeated while you were there by any body?—Yes.

By whom was that?—Brandreth.

Were there any copies of that delivered out?—Yes.

Do you recollect what that poetry was?—Yes.

What was it?—

"Every man his skill must try;
"He must turn out and not deny,
"No bloody soldiers must he dread,
"He must turn out and fight for bread.
"The time is come you plainly see,
"The government opposed must be."

Do you remember a person of the name of Mac Kesswick coming into the room?—Yes.

Did he make any observation upon coming in?—Yes; he said, he thought there were too many there for that business.

I think you said, that Turner came in somewhere about one o'clock?—Yes; it might be thereabout.

Do you recollect any person coming in with him, or about the same time?—Yes: Ludlam.

Which Ludlam?—I do not know his Christian name, but he is an old man.

Can you tell me whether any paper was produced by any body?—Yes; by William Turner.

What was that paper? Did any body read from it?—He gave it to Ludlam.

What did he read from that paper?—It was consisting of what guns they had got, and who had them.

Where?—I do not know where.

What guns who had got?—The men that they had pointed out to take them from.

Mr. Denman.—My lords we have had no notice to produce that paper: this is a paper supposed to be written by Turner that he produced. If Turner, the prisoner, had read that paper, I am quite aware his reading might have made it evidence against him, whatever its contents; but when another person read that paper, I apprehend that cannot be evidence, unless the paper itself is produced or properly accounted for.

Lord Chief Baron *Richards*.—This is read by another person in his presence, therefore he must be conceived to be cognizant of what was read.

Mr. *Denman*.—It struck me at the moment, my lord.

Mr. Justice *Dallas*.—Oh! you are quite right, Mr. *Denman*, in taking the objection if it struck you.

Mr. *Clarke*.—What did they say?—William Turner said they had forty spikes in a stone quarry, for the men that volunteered.

What else did Turner say, do you recollect?—He said, they were to go from Wingfield, and Sheffield and Chesterfield were to meet them.

Was any thing said about the Wingfield people?—Yes.

What was that?—They were talking about drawing the badger.

What was said about drawing the badger?—They said, they should take a bundle of straw and set it on fire before Mr. Halton's door, and as soon as they set it on fire he would come out and as soon as he came out they were to shoot him.

Who said that?—William Turner.

Do you recollect whether any inquiry was made about any list of arms from other places?—Yes, they asked—

Who asked?—William Turner; he wanted to know where our list was.

What list?—The list belonging to the Buttery people; they told him they had none. He seemed to make game of them because they were not so forward as they were at Wingfield.

Mr. *Denman*.—Who said they had none?—Cope. He said that they were not so forward as they were; for that they went out to get pike-staffs in the day-time.

Mr. *Clarke*.—You said there was a talk of going to colonel Halton's to draw the badger?—Yes.

What else were they to do?—Every one was to kill their own vermin.

Who said that?—William Turner wanted Cope to go and help them.

To go where?—To Wingfield.

To go to help them to do what?—He did not say exactly what they were going to do?

Who was it that said that every place was to kill their own vermin?—William Turner.

What was it he wanted him to do?—To go, I suppose—

Mr. *Cross*.—Do not tell us what you suppose.

Mr. *Clarke*.—What were they to aid them to do?—They were to go to colonel Halton's.

You have said that every place was to kill their own vermin?—Yes; Cope made him answer, and said he should not go, that they had enough to do at home.

Did old Ludlam say anything?—I do not remember his saying anything in particular.

Was there anything said about what they were to get at Nottingham?—That they were to get plenty of rum and beef, and one hundred guineas.

Who said that?—Turner.

How did those persons appear as to their spirits at this time?—They seemed in good spirits, and said there would be no good to us till such time as the government was overturned.

Did they express any doubts whether they should succeed?—They said they had no doubt they would succeed in what they were going to undertake.

Was there a person of the name of Edward Moore there amongst them?—Yes.

Can you tell me whether he took any part in the conversation?—No, he did not appear to take any part in the business. They were talking one amongst another, and he was talking amongst the rest.

Do you remember any thing that he said?—No, I do not.

Do you happen to know whether it was proposed to send any body off to Nottingham?—Yes; there was money gathered for Joseph Weightman to go.

When was he to go?—He was to go that night.

What was he to go there for?—He was to go to see how they were getting on there.

What was Brandreth to be? what station was he to fill?—He was to be captain.

Was there any thing said about gunpowder, do you recollect?—Yes, there was a barrel of gunpowder, and he wanted it produced.

What did Brandreth say?—He said there was a barrel of gunpowder which he wanted to be produced, so that he might learn them how to make cartridges, and as for lead, there would be plenty of lead upon the road.

Where?—Upon the churches.

Shirley Ashby cross-examined by
Mr. *Denman*.

Have the goodness to tell me where you come from?—I come from Sutton Colefield.

Where do you come from this morning?—I come from the Old Flower Pot.

You have been at that inn in this town?—I have been there.

You have been living there?—Yes.

How often, since you were here, have you talked this matter over with Martin?—I never talked it over with him.

Have you not said something to him about it?—Oh, yes.

You taught him the verses perhaps?—No, I did not; he heard them the same as I.

You did not tell him the rest of the verses since he was here?—No.

But you have been conversing with him?—Some little.

Was it he who told you that Turner came in after you went?—No.

You told us before that he was there when you came in?—No, he came in after me.

You told us on Thursday, that Turner was there when you first went?—I might say so.

Then I ask you whether Martin has since told you that you swore falsely, and that it was not so?—He has not told me I swore falsely.

You have had no conversation with Martin as to the time when Turner came in?—I cannot say, indeed.

Cannot you recollect that you have had conversation with Martin about the time that Turner came into the room?—I do not.

Then how came you to swear to day that he was not there when you first went, having sworn before that he was.

Mr. Gurney.—He has not said that he did swear that.

Mr. Denman.—He says he might.

Mr. Gurney.—But I believe he did not.

Mr. Clarke.—I believe it proceeded from the mode of putting the question, for when I put the question to him who was there, he seemed to say so, but when I asked him as to particulars, he mentioned when he came in.

Mr. Denman.—The witness is to explain I apprehend, not the counsel.

Mr. Justice Holroyd.—He said, according to my note, that Turner was there, I do not observe that he said when he came in; he was asked as to Brandreth being there at the time.

Mr. Justice Dallas.—He was asked generally who were the persons, and he mentioned all who were there, and Turner amongst the rest, but the question did not turn upon when Turner came in.

Lord Chief Baron Richards.—“We then went into the parlour and found about twenty there, then afterwards he names Turner.”

Mr. Denman.—I think a little before, that your lordship will find he names Turner.

Mr. Justice Holroyd.—He names, amongst the rest, William Turner; from that it might be implied perhaps, that he was there at the time he went in, but not necessarily, I think.

Lord Chief Baron Richards.—I will read my note.

[His lordship read his note of the evidence.]

Mr. Denman.—I am much obliged to your lordship for setting me right, but when the witness assumes that he might have said so, I think he should set it right.

Mr. Gurney.—But you were assuming that he did say so.

* See the examination of this witness on the trial of Brandreth, *ante* p. 803.

Mr. Denman.—Then you might have said so?—If I did say so it was unthinkingly.

You were a witness against Brandreth before, now against Turner?—Yes.

Did not you say the other day that it was Brandreth who said there would be no good done till the government was overset?—They both said so.

Which said it first?—I cannot recollect which said it first.

Can you recollect the words that either of them used?—He said there would be no good doings.

Who said?—Both of them.

I ask you the words that one of them said; swear to the words that either of them said?—It was William Turner mentioned it first.

What did he say?—He said there would be no good doings till such time as the government was overturned.

Did Brandreth say it in the same language?—Yes, but not till some time afterwards.

How soon afterwards?—I cannot say.

Might it be an hour afterwards?—Perhaps it might, I cannot say.

Do you think Martin would have an opportunity of hearing that if it was said?—Yes, but he was not in the room all the time, he was backwards and forwards, he might not hear it.

Being a witness against Turner to-day, and having been a witness against Brandreth on Thursday, I wish to ask when you were taken up?—I forget since I was taken up.

Were you taken up?—No, I was not taken up.

When did you first disclose what had happened to the magistrate or any other person?—When I was called upon.

When was that?—I cannot say.

Was it in the course of the same week?—No.

Was it in the course of the same month?—Yes.

You did not volunteer any information upon the subject at any time?—No; I did not know that it was my duty to do so.

You mean to swear that was your reason?—I did not know it was my duty to talk about what they had been doing.

Did you say the other day that your reason for not doing it was, that they threatened to put you up the chimney?—Yes.

Did not you say they threatened so hard any persons who mentioned any thing?—I told them to take care, there were constables in the room: they said, if we mentioned anything, they should thrust us up the chimney.

How came you now to mention for the first time that you did not know it was your duty to mention such a circumstance?—When I was sworn I was not sworn in for such an occasion; I was sworn in to protect my master's place.

Those works at Butterley?—Yes.

And you heard all this conversation about Butterley without disclosing?—Yes.

And you mean to swear your reason for not

disclosing was, that you did not know it was your duty to disclose it?—Yes, I will.

You were in the employ of Mr. Jessop?—Yes.

You were eating his bread?—I cannot exactly say I was eating his bread.

You were earning your subsistence from him?—Yes.

You were sworn in specially to protect his property but the day before?—Yes, the night before.

Being a witness against Turner to-day, you have stated that he said every man would have plenty of rum and one hundred guineas?—Yes.

Did Brandreth say that too?—They both said it.

Did they mention it together?—No; but the men were coming in, and they were saying that to every body as they came in.

Did they both say it together?—No.

Which said it to you?—Turner.

Did he say that to you?—He said it to me as well as the rest; he was in the room, and said it.

It was said generally to the whole party?—Yes.

Did he say that as soon as you came into the room?—No.

Whom did you go with?—John Elsdon.

Pray is Cope here?—Yes.

Is he at the Flower-pot?—No.

Is Martin at the Flower-pot?—No.

Have you had an opportunity of talking with him?—I have seen him.

Since you were examined here on Thursday, have you not spoken to Martin about the evidence to be given in this cause?—I cannot say, but I have said something to him.

Who raised money to send Weightman to Nottingham?—The money was gathered in the room.

Did you subscribe?—No, I did not.

You did not subscribe?—I did not gather the money; I saw the money.

Do you mean to say you did not understand me when I put the question?—I gave, I did not receive.

I asked you whether you did not subscribe: I ask you whether you did not understand me to mean whether you gave any thing?—I gave.

Did Brandreth subscribe?—Yes.

What was the sum you advanced upon that occasion?—Sixpence: I did not know what I was giving it for though.

Then, if you did not know what you were giving it for, how does it happen you are able to swear to-day you were giving it for sending Weightman to Nottingham?—After I gave the money they told me what it was for, but at the time I gave it I did not know what for.

What did they ask you for?—They asked me for sixpence; I knew afterwards what it was for.

Do you mean to swear you did not know at the time what it was given for?—I was told afterwards, not before.

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How soon afterwards were you told?—I cannot say; when the money was gathered round.

Turner told you that I suppose?—What Turner.

Turner told you what the money was wanted for?—No; he did not tell me.

After you had subscribed?—No; it was not Turner who did tell me.

Who was it that mentioned that?—It was mentioned in the room; which it was I cannot tell; but they told me it was to send Joseph Weightman to Nottingham, to know how they were going on.

Do you know whether that was before Turner came in?—No; it was while Turner was in the room.

How long did you stay?—Till four in the afternoon.

When you heard the purpose of sending this man to Nottingham to know what was doing, did you ask for the sixpence back again?—No.

You told them you were a constable?—Yes.

You walked away very quietly?—I did not ask them for any sixpence back that ever I gave them.

Did you go to Mr. Jessop's works that day?—No; I went home to my own house.

You went to work the next day?—Yes.

You saw Mr. Goodwin when you went to work?—Yes; I might in the course of the day.

Did you tell him what had passed?—No.

Nor Mr. Jessop?—No.

Nor Mr. Wragg?—No.

Nor any magistrate whatever?—No.

Because you did not know it was your duty to do so.

Thomas Turner sworn.—Examined by Mr. Gurney.

Are you a frame-work knitter?—Yes.

In the beginning of the month of June last did you live with your father at or near Southwingfield?—Yes.

You have been taken up upon this business I believe, and kept in custody for some time past?—Yes.

In the evening of Monday the 9th of June, at what hour did you quit your father's house?—Nearly nine o'clock.

In company with whom?—Samuel Ludlam and John Walker.

To what place did you go?—To the meeting-house in Southwingfield.

Opposite the meeting-house?—Yes.

How near is that to colonel Halton's gateway?—Very near; the meeting is on one side, and colonel Halton's gate on the other.

Did you see the prisoner Turner?—Yes.

You knew him?—Yes.

You had known him long, I suppose?—O Yes.

In whose company was he?—George Weightman's and Brandreth's.

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George Weightman, and Brandreth who was tried here the other day?—Yes.
 Had they any arms?—Yes.
 What arms?—All three guns.
 Each had a gun?—Yes.
 Where did you see them?—At a place called Balguybrook.

Is that near colonel Halton's gate?—It may be about two hundred yards from it.

Do you know Hunt's-barn?—Yes.

Was that in the way to it?—Yes.

You say you saw the prisoner William Turner, and George Weightman, and Brandreth, each with a gun?—Yes.

Was the prisoner doing any thing with his gun?—Yes; he was loading the gun.

With what?—A bullet.

How near were you to him at that time?—Very near.

Did George Weightman say anything to you?—Yes.

What did he say to you?—He said, "come lads, I expect an engagement very soon."

Did he say where?—Yes.

Where?—At Butterley furnace, with Mr. Jessop's men.

Anything more?—He said he did not expect that it would last long.

Were you told then where you were to meet?—Yes.

By whom?—By the prisoner.

At what place?—At Hunt's-barn.

Did you know Brandreth before that time?—No.

Did you learn who and what he was?—Yes.

Whom of?—I asked the prisoner who that person was, and he said, that is our captain from Nottingham.

Did any of the persons there go towards Hunt's-barn?—Yes.

Who?—All three of them, and me afterwards.

By the three do you mean George Weightman, Turner, and Brandreth?—Yes.

And you and others followed them?—Yes.

Were there persons assembled at the barn?—Yes.

How many in number?—Why, I cannot justly say, perhaps a score or better.

Were they armed or unarmed?—Armed.

With what?—Different weapons; spikes, and guns, and swords.

Did you see any arms besides those that they had in their hands?—Yes.

Where were those arms?—There were a few lay by the hedge side, which were not taken up when I was there.

What were those?—Spikes.

Did you say spikes or pikes?—Spikes.

Was William Barker among the persons there?—Yes.

What had he?—A spike.

[Several pikes were produced.]

Do you mean such things as those now produced when you speak of spikes?—Yes.

Was John Hill there?—Yes.

What had he?—A spike.

Was Samuel Ludlam there?—Yes.

What had he?—A spike.

Was Robert Turner there?—Yes.

What had he?—I think he had a sword, but I cannot recollect. I saw him with a sword afterwards.

Do you know a man called Manchester Turner?—Yes.

Is there anything remarkable in his face?

—Yes, he has had the misfortune to lose an eye.

What had he?—He had a sword.

Was Charles Swaine there?—Yes.

What had he?—He had a spike.

Did you hear Brandreth say anything about where he was going to?—No, I cannot recollect that I did.

Did you hear any person say where they were going to?—I heard no more said than that, that George Weightman said we must go to Topham's first.

Was any thing said about where you were to go?—Yes, the captain said, "We must go to Nottingham-forest," where there would be a vast quantity of people to meet us."

Whom do you mean by the captain?—Brandreth.

Did the party go away from that spot?—Yes.

Did you go away in confusion together, or in any order?—We were formed in order.

By whom?—By William Turner and Brandreth.

What sort of order were you formed in?—We were formed in rank.

Do you mean at all like soldiers?—Yes.

Did you receive any thing from any person to carry?—Yes.

What did you receive?—A bag of bullets.

From whom?—From George Bramley.

To what place did you then march forwards?

—To Topham's ground.

How many in number do you conceive that you consisted of?—I cannot say; there were, I think, better than a score.

Who commanded you to march?—Brandreth.

To what house did you first go?—James Hardwick's.

Is his name James or Samuel?—Samuel; there are both father and son,

To Mr. Hardwick's, however?—Yes.

Was any thing taken from Mr. Hardwick's house?—Not that I saw of.

Where did the party go to next?—To Tomlinson's.

Did you go with them to Tomlinson's or stay a little behind?—I did not go with them to Tomlinson's.

Did you keep your bullets, or deliver them to any other person?—I delivered my bullets to another person.

Who was that?—Samuel Ludlam.

To what place did you then go?—We went the nearest way to meet them at Topham's close.

Did you expect to meet any persons there?—Yes.

Whom?—The Pentridge people were to have met us there.

From whom had you learned that?—From George Weightman.

When you got near to Topham's-close did any other persons join?—Not till we got to Topham's-close.

Who joined you there?—Isaac Ludlam the elder, and his two sons, Isaac and William.

What had they in their hands?—They had spikes.

When you speak of spikes, do you mean this description of weapon?—Yes.

Did the Pentridge people meet you there as you expected?—No.

What was done upon that?—It was agreed that George Weightman should take the bag of bullets, and go by the Wire-mill, and if he met the Pentridge people turn them back to Pentridge-lane-end.

Did Weightman, and any other persons with him, go that way?—Yes; they left us there.

Did Weightman take with him the bag of bullets?—Yes.

To what place did the large party go in which you were?—To Elijah Hall's.

Did Brandreth and the prisoner, Turner, accompany you to Elijah Hall's?—Yes.

What was done at Mr. Hall's?—When I got to Mr. Hall's door he was on the outside, and the door fastened.

I do not ask you all the conversation that took place, but was any thing taken from Mr. Hall's?—Yes; his gun and his son was taken.

Did Mr. Hall give up his gun and his son willingly? or were they taken by force?—He did not give them up willingly.

Were they taken by force?—Yes.

For this purpose did any of your party go into the house?—Yes.

Which of them?—There were several; I cannot mention which.

Was Brandreth one?—Yes.

Was William Turner one?—I saw him at the door, I cannot say whether he went into the house.

There were many went in?—Yes, there were.

To what house did you next go?—Isaac Walker's, I believe.

Were any arms taken from Mr. Walker's?—Yes.

What?—I saw a pistol taken.

Who had that?—Brandreth.

What did Brandreth do with it?—He stuck it into an apron he had tucked round him.

Tucked round him like a belt?—Yes.

What sort of pistol did it appear to be?—It appeared to be a brass-barrelled pistol.

Was William Turner there too?—I cannot say.

To whose house did you next proceed?—Henry Bestwick's.

I omitted to ask you whether William Barker was amongst you at the house of Mr. Hall?—Yes.

Do you remember Mr. Barker saying any thing in the hearing of the party?—Yes; he told Mr. Hall he had wished for that day to come long, but it had come at last.

I think you say you next proceeded to Bestwick's?—Yes.

Was any violence used there?—I did not see it; I heard the glass jingle from the breaking of the windows, but I did not see what they did.

To whose house did you go next?—To Samuel Hunt's.

What did Mr. Hunt give you?—Mr. Hunt gave us bread and cheese.

Any thing to drink?—Beer.

What then?—He dressed him and came along with us.

Any body with him?—His man.

Was the prisoner with you at that time?—Yes.

And in Hunt's house?—Yes.

To whose house did you next proceed?—Mrs. Hepworth's.

What was done there?—A gun was taken there, I believe.

Before the gun was taken, was any entrance to the house demanded by any person?—Yes.

By whom?—By Brandreth.

Were the rest of the party by?—Almost all of them in the yard.

Was admission given?—No.

Was any thing said by Brandreth or by any of the party about the object of your wanting admission?—Yes.

What did they say?—They said they wanted her gun out of the house.

Was any attempt made to break in?—Yes.

Were any part of the fastenings broken?—I think not.

Was any window broken?—Yes; I think there was.

Any thing done to force the door?—Yes.

What was done?—A large stone thrown.

By whom?—By Samuel Hunt.

When the window was broken, did any of your party do any thing at that window?—Yes, Brandreth.

What did Brandreth do?—He shot through the window.

Had that shot any effect?—Yes.

What effect?—That shot killed a man, I believe.

What man do you mean?—Robert Walters.

What was he?—Servant to Mrs. Hepworth.

Did you see him lying upon the floor afterwards?—Yes.

Did you say any thing to Brandreth on his doing that?—Yes, I did.

What did you say?—I told him he should not have shot that poor innocent lad; he said it was his duty to do it, and he should do it.

Any thing more?—And if I said any thing more to him about it; he would blow my brains out if he heard me say any thing more.

How near were you to Brandreth at the time he fired?—Three or four yards; there were three or four people between him and me.

Who were they?—Elijah Hall was one, and William Ludlam.

Was William Turner at the house at that time?—Yes, but not so very near.

How near was he to him?—I cannot say; I saw him in the yard shortly before it was done.

How shortly before?—May be a minute, or so.

After the man was shot were the arms given out of the house?—Yes.

To whose house did you next proceed?—To Pentridge-lane-end.

Did you meet with any party there?—Yes.

From Pentridge?—Yes, from different places, I dare say.

How many?—There might be a score of them.

What might be the size of your party altogether by that time?—Forty or fifty.

Were those who joined you armed or unarmed?—Most of them armed.

Were they armed in the same way with your party?—In the same way.

Some with guns and some with spikes?—Yes.

While you were at Pentridge-lane-end did you hear what was going on at Pentridge?—No.

Did you hear any knocking at houses, and so on?—Not at Pentridge; at Pentridge-lane-end.

Did you hear any noise of the same kind as that you had heard at other houses?—Yes.

Were arms obtained from many different houses?—I did not see any; there was a great disturbance at Buckland Hollow.

Were any arms got from thence?—I do not know.

Were any men got?—Yes, I believe men were brought.

Did you afterwards march towards Pentridge-town?—Yes.

In your way there, was any thing said by Brandreth about any person that must do any thing?—Yes.

What did Brandreth say?—We were not formed into rank at that time.

Do you remember Brandreth saying any thing about what should be done?—Yes, Brandreth asked whether there was any in the ranks who had been in the militia and knew discipline.

What did he say they must do?—He said they must turn out and keep the men in order.

Upon that, did any man turn out?—Yes.

Who?—Charles Swaine.

Had he been in the militia?—Yes, I believe so.

What was then done?—We were then marched forward.

But before that were you put into rank?—Yes.

By whom?—By Brandreth, William Turner, and this Charles Swaine.

In putting you into rank, where were the men placed who had the guns?—They were placed the first.

Where were the men with the spikes?—In the rear.

How many deep were you in line?—Two.

You were two and two?—Yes.

The men with guns first, and then those with spikes?—Yes.

Who was your commander?—Brandreth.

Who appeared to be second in command?—Turner.

Do you mean the prisoner Turner?—Yes.

When you entered the village of Pentridge, were you joined by any persons?—Yes.

By whom?—Edward Turner and Joseph James, I know.

Were there any others?—Yes, several others.

Were they armed or unarmed?—Edward Turner was armed.

What with?—A gun.

What had James?—I cannot say.

Were those who came with them armed?

—Some of them, and some not.

What were the others armed with?—Spikes.

At Pentridge were arms taken from different houses?—I believe so, I did not see them taken.

How do you know there were?—By the disturbances, knocking folks up.

Did you hear at other houses the same kind of disturbances you had witnessed at the houses you had been at?—Yes.

Did George Weightman and other people rejoin you?—George Weightman rejoined us a little before we got into Pentridge.

And others with him?—I cannot say; I saw him there.

Among other houses did you go to Mr. William Booth's?—Yes.

Was any thing taken from Mr. Booth's?—A poney, I believe.

Who took it?—I saw George Weightman with it.

Was any person placed upon that poney?—Yes.

Who was that?—I cannot hit upon his name.

Was his name Storer?—Yes, he pretended to be ill.

And he was lifted upon the poney?—Yes.

Did you then march to Butterley?—Yes.

When you came near the office, do you remember seeing Mr. Goodwin? did he come out?—Yes.

Did any thing pass between Mr. Goodwin and your party?—Yes, something, but I do not know what it was.

After that were you marched elsewhere?—Yes.

By whom?—By Brandreth.

To what place?—To Ripley.

Did William Turner continue to accompany you?—Yes.

When you arrived at Ripley were you ordered by Brandreth to do any thing?—Yes, to halt and to give three huzzas.

For what purpose were the huzzas given?—I cannot say, I did not hear him say.

To what place did you then proceed?—To Codnor.

To what house in Codnor did you first go?—To the public-house.

Is that called the Glass-house?—Yes.

What was done there?—We got some ale there.

Was the landlord knocked up?—Yes.

Who ordered the bill?—William Turner and Brandreth ordered the bill.

What was the amount?—Eight and twenty shillings.

Did you go to any farm-yard near Codnor?—Yes, I believe we did, I remember something of that farm-yard.

Did the prisoner do any thing there?—He was in the yard, and Brandreth, and several others.

What did they do?—They brought three men out.

From what place?—From the barn I believe.

Were those men placed in your ranks?—I think we were not in ranks then, but as it happened.

Were they placed in your body?—Yes, they were.

Did they go with you willingly?—Not very willingly I think.

Did you then march on to Langley-mill?—Yes.

Whom did you meet with there?—George Weightman.

On foot or on horseback?—On horseback.

On what horse?—On Mr. Booth's poney.

To what place had he been?—To Nottingham I understood.

When he met you, what did he say to you?—He said, that Nottingham was risen; the town was taken, and the soldiers would not come out of their barracks, and we must march on.

Did you march on?—Yes.

Towards Nottingham?—Yes.

How far did you go with them?—I am a stranger to that country.

Did you go beyond Eastwood?—Yes; two or three miles.

Did you and some others then quit them?—Yes.

When you quitted, which way were the rest of the party going?—Towards Nottingham; but there were very few left.

Who were the persons that were leading them that were left?—When I left them, William Turner and Brandreth were discoursing together.

Throughout the march, did William Turner march in the line with the men in general, or on one side?—He was never in the line that I ever saw.

And you have told me before, he seemed to be the second in command; did he act so throughout?—Yes; I believe so.

Thomas Turner cross-examined by
Mr. Cross.

What do you mean by second in command; he was not elected to any command?

Mr. Gurney.—Will you excuse me? had you any weapon?—Yes; a pike.

What did you do with it?—I flung it down on the side of the road by some nettles.

Did any others of the party throw down their pikes also?—Yes; they did.

Did you afterwards point out to the soldiers, the places where the pikes were?—Yes.

And they were collected by the soldiers?—Yes; some were gone when I got there.

And you showed the remainder?—Yes.

Mr. Cross.—You are a frame-work knitter, I understand?—Yes.

Were you in full employ at that time?—Yes.

And you saw Brandreth fire in at the window, at Hepworth's?—Yes.

You of course were angry with him for so doing? you blamed him for it?—Yes.

You said he should not have hurt that poor innocent boy?—Yes.

I believe that you did not know that the poor fellow was killed when you went away?—He appeared to be killed, he lay on the floor.

As you were out of doors?—Yes.

Several who were there blamed Brandreth for doing that?—I did not hear that.

However, you cannot take upon yourself to say that the prisoner, William Turner, was near him, or in sight of him, at the time that that happened?—I do not believe he was.

You quitted them I believe?—Yes.

At what hour?—It might be between nine and ten the following morning.

They had chiefly dropped off by that time?—Yes; most of them had dropped off: there were very few then.

How many do you think were left at that time?—They were going forward in different directions, there was a public-house, and I stopped at the public-house.

Were there a dozen, or a score left, collected together when you quitted?—Yes; I should think there was.

There might be about a dozen or a score left?—Yes.

Thomas Turner re-examined by
Mr. Gurney.

Were there more parties than one at that time marching towards Nottingham?—Yes; the line was broken, and they were going some forwards and some backwards.

Were they all going towards Nottingham?—No; some backwards.

How many do you think were accompanying Brandreth and Turner when you quitted them?—Very few then.

As you were going back did you meet any others following them?—No; I did not go the turnpike way back.

Henry Tomlinson sworn.—Examined by
Mr. Sergeant *Copley*.

You are a farmer, living at South-wingfield Park.—Yes.

Do you remember on Monday the 9th of June, seeing any person from Hardwick's house?

—Yes, a person of the name of John Machin.

At what time of the night was it?—It was about half-past nine or a quarter before ten.

Did he give you any information of any kind?—Yes, he said—

I do not ask what he told you, but in consequence of that information what did you do?—My wife and me locked the door and went out into the yard.

While you were in the yard did any persons come to your house?—Yes, as we stood at one end of the yard there was a quantity of people came in at the other end.

What did they do?—They went up to the house door and began to rattle.

They began to rattle at the door?—Yes.

In consequence of their rattling at the door did you say anything to them?—Yes, I went up to them and asked what they wanted.

How many might there be?—There appeared to me to be between thirty and forty.

Were they armed or unarmed?—They were armed, some spikes and some guns.

By spikes do you mean instruments of that description [*pikes*]?—Yes.

After you had asked them what they wanted, what did they say?—They said if I would not open the door they would break it and search my house for my gun.

Was William Turner, the prisoner, amongst them?—Yes, I saw William Turner and spoke to him.

When they said they would break your door if you did not open it, what did you say or do?—I opened the door and the Captain and another man followed me, but I did not know either of them.

Did any body go into the house besides those two?—No.

When they got into the house, what did they do?—They told me that if I did not find the gun they would search the house.

What did you do?—I fetched the gun out of the parlour off of the bed tester.

Did you deliver it to them?—They demanded it in my house and I delivered it to them.

After you had delivered the gun, did those two men go out?—Those two men went out and I went and stood just within the door.

After they had gone out and you had stood at the door in the manner you describe, did they either of them say anything to you?—They said, "come, you must go and all;" and I said I would not.

When you said you would not, what reply did they make?—They said I had better go that night than stay till the morning, for there was a great gang coming out of Sheffield and a great cloud from the north that would sweep all before them.

When they had said this, did you say anything more at that time?—I told them I would not go, that I would stop while morning.

Upon your saying that, did the man whom they called the Captain say anything to you?—Yes, he presented his gun to me and swore he would shoot me, and the crowd who stood by said, some of them, "damn his eyes smite his head off;" some said, "bring him," and others said, "leave him," and others said "never mind."

After that did the Captain say any thing about Nottingham or London?—Yes; he said they were going as far as Nottingham, and that they should be at Nottingham by half-past eight in the morning; and that London would be taken by the time they got to Nottingham, and they need go no further.

Did they allow you to remain at home?—

No; they took me: I locked the door, and went into the fold-yard; and there was George Weightman there, a man whom I knew.

Did they put anything into your hand?—They gave me a spike.

On their giving you a spike, did you say any thing?—Yes; I asked them to let me have my own gun, and they denied it me, and said I should not, I must have a spike.

How far did you go with them?—About three hundred yards, as near as I can guess.

Did you get away and get off?—George Weightman took my spike, and bade me turn again.

Before George Weightman took your spike what had you said to him?—He gave me a nudge, you know.

Had you said any thing to him about going?—Yes; that was in my own yard: I said it was a very hard case to offer to take me from this lonely place, and to leave my wife there alone; and he said it was; and he said, go a little way and you shall turn again.

George Weightman you had known before?—Yes.

Henry Tomlinson cross-examined by
Mr. *Denman*.

How far did you go?—Three hundred yards.

Then he gave you a nudge, and you went home again?—Yes.

Mr. Sergeant *Copley*.—Will you excuse my putting another question? Did you speak to William Turner, the prisoner, in the yard of your house?—I spoke to William Turner in the yard, and said, "Well, William, are you one?" and he said, "Yes."

Lord Chief Baron *Richards*.—He said before that he had seen him, and that he had spoken to him.

Mr. Sergeant *Copley*.—It was only the precise words.

Mr. *Denman*.—As to the precise words, they were, "I saw William Turner, and spoke to him."

Witness.—Yes.

And you escaped as soon as you could?—Yes.

They said there was a great number coming from Sheffield?—Yes; and a great cloud from the North.

Did the town of Wakefield happen to be mentioned?—I do not recollect the name of Wakefield.

Nor the town of Huddersfield?—No, I do not recollect that.

Sheffield, and a cloud from the North?—Yes.

You do not recollect who said that?—It was the Captain who said that to me.

Mr. *Elijah Hall* senior sworn.—Examined by Mr. *Reader*.

Where do you live?—At Southwingfield Park.

What are you?—A farmer and miller.

What time did you fasten up the door of your house, on Monday the 9th of June last?—About eleven o'clock.

At night?—Yes, at night.

Were your family then gone up stairs to bed?—A part of them was.

Before you went up did you hear anything?—I did not go up stairs.

Did you hear anything?—I did.

What did you hear?—The footsteps of two men.

Approaching your door?—Approaching the door.

Did you say anything to them, or they to you?—They asked me if any men had been there that night for guns?

What answer did you make?—I told them there had: they said had they taken any away? I told them they had; they went away; I then opened the door, and went out to see if there was anybody about, with an intent to take out my fire arms.

Did you see anybody?—I saw a number of armed men coming up to my door, coming into my yard, advancing towards the door.

About how long might that be after the two men were gone away?—A very few minutes.

What were they armed with?—Pikes and guns, and one had a sword.

By pikes you mean similar sort of things to those on the table?—Yes.

What passed then?—I asked them what they were doing there at that time of the night; some of them said they wanted a bigger loaf, and the times altered: I told them it was not in my power to give them a bigger loaf, or to alter the times; they said they did not suppose it was, but they wanted my fire arms. I told them I had none for them: they said they knew positively that I had, and I had better deliver them up to prevent further mischief, to prevent the house from being fired. They then advanced towards the door, close to the door, and demanded entrance; I told them it was not in my power to open the door, being outside as well as themselves.

How was the door at that time?—It was locked, or fastened in some manner.

It was fastened after you left it?—It was; they then began to force it.

In what way?—With their pikes and other weapons: then the gun was given them through the window.

Through one of your windows?—Yes.

Of course, by some person within?—Yes; after they had repeatedly demanded fire-arms, they then demanded me to go along with them. I told them I should not. Some of them said, "He has sons." The Captain then said, "If he has sons, we will take the young, and not the old man."

The person who appeared to you to be Captain?—The person that they called Captain.

Had they called him Captain?—They had; they said "Captain, how must it be, must we force the door?"

What was the answer?—He ordered them to blow it in pieces.

The door?—Yes, after repeated attempts.

Did you hear anything at this time at a distance?—I heard a gun going off at a little village about half a mile off.

About this time?—A little while before.

What was done then?—They tried to force the door again, when the Captain was ordering his men to blow it in pieces; and having made several attempts in the mean time, it was opened from within.

What passed on the door being opened?—On the door being opened, the Captain and several others went in.

Did you go in?—I did.

Did others go in?—To the amount I think of twelve or more.

Did they say what their purpose was before they went in?—I had not heard anything of the general purpose till they got into the house.

You went in yourself, and the people with you, to the amount of ten or a dozen?—Yes.

What did they do when they got in?—They demanded my sons.

What answer did you make to that?—I told them I should not fetch them. They demanded me to fetch them. I told them I should not.

What did they say or do upon that?—The Captain gave me two pushes with his gun.

With what part of the gun?—The muzzle of the gun; he presented it at me, and told me he would blow my brains out if I did not immediately light a candle and fetch my sons to go along with them. I told them I should not: he took a candle from some one of the family and lighted it at the fire.

An unlighted candle?—Yes: he lighted it at the fire, and he and several others went up stairs.

Could you hear what passed up stairs?—I heard them threaten my sons to hush them up, if they would not get up and go along with them, and they brought one down.

Which was that?—Elijah.

How many sons had you up stairs?—There were only two big enough; they brought Elijah down part dressed.

Did they compel him to finish his dressing?—They did, all but tying his shoes.

Was any body doing any thing during that time?—They were hunting about for more fire-arms.

Did you ask them any questions after they got into the house?—Yes; I did.

What did you ask them?—I asked the Captain in particular where he was going; he said, to Nottingham, he believed Nottingham was taken at that time.

Did you ask them their purpose?—I asked them their purpose; he said that they should proceed from Nottingham to London, wipe off the national debt, and begin afresh.

This was said by the Captain?—Yes.

Did any persons in the house say anything?—Not in the house.

Did you out of the house hear anything further said by any body?—Yes; I followed the men when they went out of the house.

Did they take your son with them?—Yes, and I followed them to the door, and desired them not to take him. Isaac Ludlam the elder said I need be under no apprehensions, they should bring him back and likewise the gun; he had better go with his neighbours which he knew, than go the next day with those that he knew not, for he believed there would be thousands come the next day.

Was that all he said?—Yes; that was all.

Do you remember the names of any of the persons you saw in your house or out of your house? there was the Captain and Ludlam, and who else?—Isaac Ludlam, the younger.

There were two Isaac Ludlams?—Yes; William Ludlam, William Barker, Thomas Turner, Robert Turner.

I do not know whether you saw the prisoner, William Turner, there that day?—Not upon my premises.

Did you see him at all that night?—I cannot positively say that I saw him, but I doubt I heard his voice.

Was Manchester Turner there?—He was.

Mr. *Elijah Hall* senior, cross-examined by Mr. *Cross*.

You have known William Turner for some years?—I have.

You are acquainted with his general character?—Yes.

He has worked with you I understand?—Yes.

For how many years do you think you have known him?—I have known him twenty years.

He has frequently worked with you?—He has worked with me for these three or four years back at different times.

What has been his general character as far as you have known him?

Mr. *Gurney*.—I submit to your lordships that the proper question is as to loyalty.

Mr. *Cross*.—I submit to your lordships that there is no objection to the question as to his general character.

Mr. *Denman*.—If he is generally a respectable man, an inference arises that he is a loyal man.

Mr. *Cross*.—It would be a most extraordinary thing if I might put that question generally in case of felony and not on an indictment for high treason.

Mr. *Gurney*.—If a man is indicted for felony, evidence is produced to his honesty; if for rape, to his chastity, and so on.

Mr. *Denman*.—Your lordships recollect that in the case of *Horne Tooke*,^{*} evidence as to his writings many years before were received in evidence in order to shew it improbable that he should commit treason.

Mr. Justice *Abbott*.—As far as my experience goes, the inquiry into character is always adapted to the charge.

Mr. *Denman*.—I do not mean to reply upon your lordship, I only wish to put it to your lordship that this did apply to the general mind, for that a man who had conducted himself peaceably and respectably was not likely to enter into wild schemes.

Lord Chief Baron *Richards*.—The general question leaves that, I should think, very much where it was.

Mr. *Cross*.—I shall not press it, my lord.

Mr. Justice *Abbott*.—The question was objected to as too general and therefore not applying, it was not whether he was a peaceable man but as to his general character.

Elijah Hall jun. sworn.—Examined by Mr. *Reader*.

You are the son of the last witness?—I am.

Do you live with your father?—I do.

Were you disturbed at all on the night of Monday the 9th of June, after you had gone to bed?—I was.

By what?—By a large quantity of people.

Did any persons come into your bed-room?—They did.

About what number?—Several people came into my bed-room.

About what hour of the night?—It might be between eleven and twelve, thereabouts.

Were they armed or not?—They were.

In what way?—Some with guns and some with swords.

Any other weapons?—No, not that I saw.

What did they require you to do?—They required me to get out of my bed and go along with them.

* 4 How. Mod. St. Tr. 345; but see R. v. Lambert and Perry 10 How. Mod. St. Tr. 355; 2 Camp. 400; 1. Phil. Ev. 183, 5th edit.

Did you do so?—I did.

Did you do it voluntarily or were you compelled to do it?—I was compelled to do it.

When you got down stairs, were there any other persons below?—Yes, there were.

Were they armed or not?—Some of them were.

Did you finish your dressing below?—I did not.

You dressed yourself however?—I did.

Did you go with them?—I did.

Whom did you see that you knew amongst them?—I saw several that I knew.

Who were they?—The Nottingham Captain.

Did you know him before?—I did not.

Who else?—There were several others that I knew, I did not observe them in the house but at a little distance from the house.

In the road?—Yes.

Were the Ludlams there?—Yes.

The father and son?—Yes, the father and two sons.

Do you know Manchester Turner?—I know him by sight.

Was he there?—He was.

Do you know John Turner?—Yes.

Was he there?—I did not see him there.

Do you know William Turner the prisoner?—Yes.

Was he there?—He was a little distance from the house, I did not see him about the house, not within thirty or forty yards of the house.

Had he any thing with him when you did see him?—He had.

What?—A gun.

Did he join the rest of the party when you came out, or not?—He did.

Where did you proceed to first?—To Isaac Walker's.

What was done when you came to Isaac Walker's?—They demanded arms.

How far is Isaac Walker's from your father's?—Two closes.

Did you know William Turner before?—I did.

You did not see him at your house?—I did not.

Have you any reason to believe that he was there?—No, I have not.

They went to Walker's and demanded arms?—Yes.

What did they get?—They got a gun and a pistol.

Do you know who gave it them?—Mr. Isaac Walker.

Did he give it willingly?—He did not.

In consequence of what did he give it?—Because they threatened to shoot him.

Where did you go to from Mr. Walker's?—To Mr. Bestwick's.

What did they do there?—They went into Mr. Bestwick's house and brought out a gun.

Did they make any noise at the door before they went in?—They did.

They afterwards went in and fetched out the gun?—They did.

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Did they get any man there?—They did.

Did they carry the gun away with them?—They did.

Was Turner the Prisoner with you at that time?—He was.

Did they do any thing at Mr. Bestwick's house?—I do not know.

Where did you go to next?—To Samuel Hunt's.

How far is that from Bestwick's?—Three or four closes.

All in the neighbourhood?—Yes.

What did you do at Hunt's?—Went into the house.

Did you get any thing there?—Yes.

All the party?—Most of them.

What did you get there?—Bread and cheese.

You went in, too, did you?—Yes.

Did you get any thing from thence?—Yes.

What?—They got beer.

Did you take any thing with you from thence?—From Mr. Hunt's you mean, Mr. Hunt went along with them, and his man.

What did they carry?—They took a gun.

Any thing else?—I did not see anything else.

Two of them went, Hunt and his man, which of them carried the gun?—His man.

Where did you go to from Hunt's?—To Mary Hepworth's.

How far is that from Hunt's?—Several closes.

Half a mile?—No, not so far as that.

Did the prisoner continue with you?—He did.

What passed at Mrs. Hepworth's?—They made a great disturbance at the door.

Did they demand anything?—They demanded men and arms.

On their demanding men and arms, did they get either?—They did not.

What passed then?—The window was broken.

By whom?—I do not know who it was that broke the window.

Was it some of the party who were there?—Yes.

What passed after they broke the window?—A gun went off.

Who fired off that gun?—The Nottingham Captain.

Brandreth?—Yes.

What was the effect of that gun going off?—They shot a man.

What was the name of that man?—Robert Walters.

Where was the prisoner, Turner, at the time the gun was fired off?—I did not see him present at that time; I saw him before we left the house.

Whereabout?—Not far off the place.

Do you mean the place where the gun was let off?—Yes.

Was he near Brandreth when you saw him?

—I did not see that he was near him; he was in the yard, near the house.

Who else was there?—Manchester Turner, William Barker, Isaac Ludlam.

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The elder?—Yes: and William Ludlam.
Where were the rest of the party?—They were about the place.

You are speaking of those persons as being near the house?—Yes.

What did you get after the man was killed at Mrs. Hepworth's?—Got a gun.

One gun?—Yes.

Where did you go to from Mrs. Hepworth's?—We went from Mrs. Hepworth's to Pentridge-lane-end.

What did they do there?—They got several men from the Lane-end.

How did they get them?—By force.

Were they in bed?—Most of them were.

Were the people knocked up whom you got principally?—I do not know.

Did you hear a great noise at the door?—I heard a great noise at several doors.

Did they get arms as well as men?—I do not know.

Where did you go from Pentridge-lane-end?—To Pentridge.

What was done there?—They broke into several houses at Pentridge.

For what?—Men and arms.

Did they succeed in getting them?—I do not know.

Where did you go next?—I made my escape.

Where were they when you left them?—They got a little way into Pentridge town.

What were they doing when you went off?—They were breaking into some house.

Did you leave them as soon as you had a favourable opportunity for doing so?—I did.

Who appeared to be the most active persons there, throughout, from the time you went with them?—I cannot say that I saw any more active than the others, except the Captain.

Except Brandreth?—Yes.

Were you present when the captain formed them?—I was.

Was he assisted by any body in forming them?—I cannot say, I am sure; I heard him call several names to assist him.

Do you recollect who they were?—I did not hear him call them by their names.

Mr. Isaac Walker sworn.—Examined by
Mr. Reynolds.

Are you a farmer living at Southwingfield-park in this county?—Yes.

On Monday night, the 9th of June, were you disturbed by any persons coming to your house?—Yes.

At what hour?—Half-past eleven.

Had you and your family retired to bed?—Yes.

How many persons did you see?—I suppose about forty.

Where were they?—Coming up the yard first, and then they came to the front of the house.

Had they any thing with them?—Yes; pikes and guns.

Did they demand any thing of you?—They demanded a gun, a brace of pistols and a servant man.

What did you say to that demand?—I told them I had a gun but no pistols.

What was said to you by any of them?—They said they were determined to have the gun and pistols too.

Where were you when this conversation was first held with you?—At the bed-room window.

They speaking to you from out of doors below?—Yes.

What else did they say?—They pointed a gun at me.

They speaking from the yard below?—Yes.

Did you see who it was that pointed the gun at you?—A man they called the Captain.

Was any thing said at the time the gun was pointed at you?—That if I would not deliver up my arms they would fire at me.

Did they, or the man say that?—The Captain I suppose, that pointed it at me.

What was then said or done?—He ordered them to break the door open; with that I went down and opened the back door, not the front door they were at. They went round to meet me at the back door. The man said, they would make me find the gun; I took the gun down from where it hung and gave it to him: they said they would make me glad to do it.

They then demanded my servant; I told them I had none, and they went away.

Did any party come again?—When I had fastened the door, and was going up stairs to bed again, they knocked again.

Before that, when you gave them the gun, was any thing said about Nottingham?—I asked them what they wanted the arms for; they said, to take them to Nottingham, and they would bring them safe back again.

Did they demand anything when they came the second time?—They said, they knew that I had one pistol, and were determined to have it; if I had not two, I had one.

What answer did you make?—I told them, I had one, but I begged they would let me keep it; they said, they had orders to take all that I had, with that I was forced to give it them.

Did you give it them?—Yes.

What sort of a pistol was this?—A brass-barrelled pistol.

To whom did you give it?—To the Captain; he asked me whether it was loaded; I told him it was, and he fired it off at the door.

Did you see what the person did with it, to whom you gave it?—No, he had it in his hand the last time I saw it.

Did you know any of the persons who were there?—There were three; I knew Isaac Ludlam, William Barker, and Thomas Maslam, Masden I suppose is his proper name.

You do not know any of the others?—No.

Mr. Isaac Walker cross-examined by
Mr. Denman.

How long have you lived at Wingfield?—
Five and twenty years.

How long have you known William Turner?
—Not long.

Have you had any opportunity of knowing
what his general character has been?—I have
known nothing at all about his character.

Mrs. Mary Hepworth sworn.—Examined by
Mr. Richardson.

I believe you are a widow?—Yes.

Do you occupy a farm in Southwingfield-
park?—Yes.

Did you occupy it in June last?—Yes.

Were you disturbed at any time of the night
of the 9th of June?—Yes.

About what time?—Between eleven and
twelve.

Were you in bed?—I was in bed.

By what were you disturbed?—A noise at
the door and the window.

What sort of a noise?—A very loud knock-
ing.

Anything else?—Nothing but the knocking.
In consequence of that, did you get up?—
Yes.

And came down stairs?—Yes.

Whom did you find, when you came down
stairs, in your house?—William Hepworth, my
son, and my two servant-men.

Fox and Walters?—Yes.

Were they in the kitchen?—Yes.

Did the persons on the outside call out for
anything?—For guns and men.

Did you give any answer to them or any
orders to your people?—I told them they
should have neither guns nor men.

Were they still at this time knocking at
the door?—They were knocking at the door.

What was next done? did they move to
any other part of the house?—They moved to
the front part of the house; they did not en-
tirely move from that part of the house.

Did any persons knock or break the kitchen
window?—Yes.

Was the shutter on the inside or the out?—
The inside.

Was the shutter broken?—The shutter was
broken and forced into the room.

Did they continue demanding the guns and
the men?—They did.

The kitchen window being forced and the
shutter broken into the room, was any thing
done?—A gun or a pistol, or something of that
kind, was fired immediately.

Into the house?—Into the kitchen.

Was any person hurt or shot?—Robert
Walters was shot and killed by it.

Did he die immediately, or very soon after-
wards?—Perhaps in ten minutes, I cannot ex-
actly say the time; he died of the wound he
had received.

What was he doing at the time he was shot?
—He stooped down, he appeared as if he was
putting his boots on.

Was it opposite the kitchen window?—Yes.
The ball entered his neck?—Yes, on the
right side.

After this man was shot, was anything given
to the men on the outside?—We were obliged
to give them a gun; they still continued to call
out for the gun and the men; and the gun was
given to them.

The gun was given out of the window?—It
was.

They did not take any men from your house
I believe?—They did not, I told them they
should have none.

After the man was shot, was any language
addressed to you or to any of the people in
the house to induce you to give them the gun?
—Yes, they told us they would serve us the
same; that they would silence us if we did
not retire from the window.

Did you tell them what they had done?—
Yes, we told them, that they had shot a man,
was not that sufficient without any more men?
They said they would silence me; if I did not
retire from the window that they would serve
me the same.

After they were gone, did you find any-
thing near the door, in the yard?—A pike was
found.

Did you see it?—I did.

Were there any stones?—There were a great
many stones at the door.

Large or small?—Large and small.

Was the pike a sort of thing like that?—
It was shorter than that, but longer upon the
iron.

Joseph Wilkinson sworn.

Mr. Denman.—Where do you live?—South-
wingfield-park.

What are you by trade?—A stockinger.

You live at your father's?—Yes.

What is his name?—John Wilkinson.

Examined by Mr. Gurney.

Did you live with your father at Southwing-
field on Sunday the 8th, and Monday the 9th
of June, before the rising that took place?—
Yes.

In the afternoon of Monday were you at
the house of a person of the name of Farmdley?
—Yes.

Is that near your father's?—Yes.

How near is that to Thorpe-hill-wood?—
About half a mile.

Did you see any persons go to that wood
that afternoon?—Yes.

Who were they?—Isaac Ludlam.

The elder or the younger?—The younger,
James Taylor, and Joseph Taylor, and Ben-
jamin Taylor.

Did you see them afterwards return from the
wood?—Yes.

What had they with them?—Poles.

Of what length? about what length?—About
three yards long.

How were they carrying them?—On their
shoulders.

Was the bark then taken off them?—No.

How many do you think they had?—Two or three a-piece.

Did you in the course of that evening go to James Taylor's?—Yes.

About what hour?—About seven o'clock.

Whom did you see there?—George Weightman, William Ludlam, James Taylor.

Any body else?—I do not recollect.

Was Isaac Ludlam there?—Yes, he was.

What were they doing then?—The bark was then off the poles.

Were they putting anything on the poles?—No, I cannot say that they were.

Did you see any thing put on any of the poles then?—No.

Did you afterwards see any iron?—No.

You did not see any thing put on the poles then?—I did not.

That night did any of the party come to your father's house?—Yes.

How many came?—About twenty.

Were the party who came armed or unarmed?—Some armed and some unarmed.

How were they armed, those that were armed?—With spikes.

By spikes, do you mean such things as those?—Yes.

When you speak of the poles you saw, were they about this size and appearance?—Yes, they were.

Who were the party that came?—James Taylor was one, Abraham James, Miles Bacon.

Was George Weightman one?—Yes, he was one, but he did not come up to our door.

Was he one of the party who came?—Yes, and one of James Taylor's brothers.

Do you know his christian name?—No.

Was any pike put into your hand?—Yes.

By whom?—By James Taylor.

Did you go with them?—Yes.

To whose house did you first go?—To Frichley's.

Where is that?—Just above our house.

What did you get there?—Nothing else.

Where did you go next?—To the Wire-mill.

That is Mr. Marriott's?—Yes.

What did you get there?—A gun.

Who demanded it?—Either James Taylor or George Weightman.

Were you met there by other persons?—Yes.

Did you afterwards join a large party?—Yes.

Where did you join that?—At Mr. Fletcher's.

How far did you go with them towards Nottingham?—Just beyond Eastwood.

Mr. Denman.—He has not said that they went towards Nottingham.

Mr. Gurney.—But as he went with the party, and it has been proved that they went towards Nottingham, I thought I might take that; I did not mean to lead him. Who commanded the large party you joined?—Brandreth.

Was William Turner in that party?—Yes.

Had he any weapon?—A gun.

Was Edward Turner in it?—Yes.

What had he?—A gun.

Was Thomas Turner in it?—Yes.

What had he?—A gun.

Was Manchester Turner there?—Yes.

What had he?—A sword.

Was Samuel Hunt among them?—Yes.

What had he?—A spike.

Was Samuel Ludlam one of them?—I cannot say.

Was William Ludlam there?—Yes, he was.

What had he?—A spike.

What weapons had Brandreth the captain?

—A pistol, and a gun, and all.

You say you went with that party beyond Eastwood?—Yes.

Did Brandreth the captain go all the way?—I do not know.

Did you leave him with the party when you came away?—No, I did not see him then.

Did William Turner go with the party?—I do not know.

Where did you see William Turner? at what different places?—I saw him at the Lane end.

Then he had a gun?—Yes.

At what other places did you see him?—I cannot recollect seeing him any where else.

You went through Pentridge with them and to Codnor, and so to Eastwood?—Yes.

Mr. Samuel Fletcher sworn.—Examined by Mr. Belway.

Where did you live on the 9th of June last?—At Pentridge-lane-end.

At what time in the night did you and your family go to bed?—About eleven o'clock.

Were you alarmed at any time during that night?—Yes, about twelve o'clock we were alarmed by a very great noise at the door, as though persons would break it in.

In consequence of that did you get out of bed?—Yes, I jumped out of bed and opened the window.

What did you see on opening the window?—I saw thirty persons or more, five or six of them armed with guns, which they levelled at my head.

Were all those persons standing round your window at this time?—Yes, round my window.

Besides the five or six who presented their guns were the other persons armed?—They appeared to have large poles or sticks in their hands, but I could not tell what they were.

Did they say any thing to you?—Yes, they cried "your arms, your arms, damn your eyes your arms," I said "what arms," they said "you have got two or three guns, and if you do not bring them down and open the door we will blow your brains out." I said I had got but one, and I did not know that that was at home; they kept on swearing that they would blow my brains out if I had any thing more to say.

Did you then quit the window?—Yes.

What part of the house did you go to then?

—I ran down those stairs and up another set of stairs, the kitchen stairs in another part of the house.

For what purpose did you go there?—I went there to see whether I could get away.

Did you perceive any body at the back of the house?—Yes, there appeared to be as many there on that side of the house as on the other.

Finding you could not make your escape then, what did you do?—I stood where I was, and they kept on beating at that door and swearing very hard, upon which I ordered Shipman to fetch them the gun.

Who is Shipman?—He is my servant.

Did he fetch the gun for them?—He fetched the gun for them, and they ordered him to give it them out of the window, and desired to have the but end first.

Shipman had been in bed at the time?—Yes, I found him, I think, sitting on the bed.

What became of Shipman?—They cried "get you dressed, or we will blow your brains out," and one of them cried out "come Shipman," another cried out "come Billy," I had not at that time expected that.

Did he go with them?—He did.

Did you give your servant any directions?—Yes, I directed him to make his escape; I said "damn them, thou knowest them all, they are all Pentridge and Wingfield, thou wilt be obliged to go with them, but make thy escape as soon as thou can, and come back and tell me, while thou art with them observe what they do."

William Shipman sworn.—Examined by Mr. Solicitor General.

You were the servant of the last witness, Mr. Fletcher?—Yes.

Do you remember being disturbed on the night of the 9th of June last?—Yes.

About what hour?—About twelve o'clock.

What disturbed you?—Knocking at the door.

Did that arouse you? did you get up?—Yes.

Did you look out at the window?—Yes.

Whom did you see?—Joseph Topham.

Were there many persons?—Yes.

Did they say any thing to you?—Yes.

What did they say?—They told me that I must come and go with them.

In what way did they do that?—They told me they must have one man from that house: they had one man from every house, and a gun.

Did they say any thing more?—Yes; the Captain told me to make haste and come down, or that he would blow my brains out.

Did the Captain say any thing besides that?—He said he had shot one man, and that he would shoot me if I did not come down.

Was that in a loud voice, or how?—Loud.

You were at the window, and they were in the yard below?—Yes.

Did you afterwards go down?—Yes.

Were you compelled to go with them?—Yes.

How far did you go with them?—To Kimberley.

That is beyond Eastwood?—Yes.

That is in the road to Nottingham, is it not?—It is.

You were taken at Pentridge? your master's house is at Pentridge-lane-end?—Yes.

Did you go through Pentridge?—Yes.

Do you know a person of the name of James Weightman?—Yes.

Did you see him in your way through Pentridge?—Yes.

Where did you see him?—Near the meeting-house.

Had he any thing in his hand?—Yes.

What had he?—A hatful of bullets.

How do you know they were bullets?—I took some.

You put your hand into the hat?—Yes, and took three or four out.

Did he say any thing upon your so doing?—Yes.

What did he say?—He told me I must not take any, for they should be short enough.

Was Thomas Weightman there too?—Yes.

At this time, when you took the bullets?—I went about ten yards further.

Then you saw Thomas Weightman?—Yes.

Did any thing pass with him about the bullets?—Yes.

What did he say?—He told me, he and James Weightman had been making the bullets while they were coming from Pentridge-lane-end.

Did you see George Weightman there?—Yes.

Do you recollect any one speaking to him?—Yes.

Who was that?—One Tapleton, of Heage.

Did you hear what he said to George Weightman?—Yes.

What was it?—He told him there were two barrels of gunpowder in Mr. Harvey's warehouse at Heage, but they had not strength enough to get it out.

How far is Heage from Pentridge?—About two miles.

Did they knock at many houses in Pentridge while you were with them?—Yes.

Demanding arms?—Yes.

You say you saw George Weightman, and held this conversation with him; where did he go afterwards?—He went up the town.

Did you see him afterwards on horseback?—Yes.

On Mr. Booth's poney?—Yes.

Did he ride off?—Yes.

In what direction?—Towards Nottingham.

Then you went on to Butterley, did not you?—Yes.

And from thence into the Nottingham turnpike road?—Yes.

From thence to Codnor?—Yes.

From thence on to Langley-mill?—Yes.

In your way to Langley-mill did you stop at Raynor's?—Yes.

Is that a house by the side of the road?—Yes.

Was any man taken out of that house?—Yes.
From thence you went on to Langley-mill
you say?—Yes.

Did you there meet George Weightman?—
Yes.

Did he then appear to be on his return from
Nottingham?—Yes; and the poney sweated
very bad.

What did he say when he came up to you?
—As he was riding by, the people asked how
they were going on.

What was his answer?—He said, “they are
going on well, the soldiers are in the barracks,
and if you march forwards, you will have no-
thing to do when you get there.”

Do you know the prisoner, William Turner,
of Wingfield?—Yes.

Was he with the party?—Yes.

Was he with them the whole way that you
went?—The first place that I saw him at, was
at Mr. Storer's, in the lane.

At Pentridge-lane-end?—Yes.

Where did you next see him?—At Codnor.

What had he when you first saw him, and
saw him at Codnor?—He had a gun.

How did you proceed along the road, were
you formed into ranks?—Yes, they formed us
into ranks against Mr. Storer's.

Who formed you into ranks?—The Captain
picked out the serjeants and the men to look
over them.

What was William Turner?—I do not know.

Was he in the ranks?—No.

Where did he march?—He marched by the
side.

Did the Captain also march by the side?—
He did.

Did you see him also at Langley-mill?—
Yes.

Did you see him at Raynor's?—Yes.

Did you see him also at Kimberley?—No,
the last that I saw of him was at Eastwood.

Had he his gun with him?—Yes, and they
formed them in ranks.

Where?—At Eastwood.

Did Turner assist in forming them in ranks?
—I cannot say.

Where was he when they formed them in
ranks?—He was by the side.

At Kimberley did you get away from them?
—Yes.

And returned to your master's?—Yes.

Did you go beyond Eastwood or not?—Yes,
I went to Kimberley.

*William Shipman cross-examined by
Mr. Cross.*

William Turner took no part in forming you
into ranks?—I did not see him.

If he had done so and put you into the ranks,
you must have seen him do it?—Yes.

I think you did not see him at your master's
house?—No.

Nor did you see him till you had proceeded
three miles from your master's house?—Yes.

How far from your master's house?—A quarter
of a mile or thereabouts.

He left the party before you left?—Yes, I
did not see him.

How long might you see him with the party
at all?—I cannot say.

Did he go as far as a quarter of a mile with
them do you suppose?—Yes, he went as far as
Eastwood with them.

How far is that, a mile or two?—Yes; and
more.

About a quarter of a mile after you left your
master's house you saw him, and you saw him
again when you had gone about three miles, and
that is all you saw of him that night?—No, I
saw him at Eastwood.

When you had gone about a quarter of a
mile from your master's house you saw the
prisoner, and you saw him about three miles
on at Eastwood?—I saw him at Codnor, and I
saw him at Raynor's, and at Eastwood.

*William Shipman re-examined by
Mr. Solicitor General.*

You first saw him at Storer's?—Yes.

How far is Codnor from Storer's?—Four
miles.

Then you saw him three miles beyond Codnor
at Eastwood?—Yes.

And you do not recollect seeing him after
you passed Eastwood?—No.

*Henry Hole sworn.—Examined by
Mr. Sergeant Vaughan.*

I believe you live at Pentridge?—Pentridge-
lane-end.

You are a labourer there?—Yes.

On Sunday night the 8th of June, did you
see any persons near to Pentridge?—Yes, I
saw before George Turner's door Samuel Hunt
and eight or ten others; I went to a neighbour's
house for a jug of milk, and I met Samuel Hunt
on the turnpike-road.

What did he say to you?—He said, “Thou
art fetching that for these men to night;” and
I said, “What men?”

What answer did he give to you upon your
saying “what men?”—He said, “These
revolutioners that will come to night or to-
morrow night.”

What did you say to that?—I said, “nay,
I believe not,” and he offered to lay me a wager
of five shillings that they would come that night
or to-morrow night.

Tell me whether on the next night, and at
what hour, you were disturbed in your bed?—
The next night, about twenty minutes before
twelve, me and my wife were awoke by a violent
knocking at the door.

Did you get up to the window?—I got up
to the window, and said “halloo, who is there?
what do you want?”

What answer was made to you upon asking
what they wanted?—They said, “we want you
to volunteer yourself to go with us.”

What further?—Or else we will break the
door down and murder you.”

Did they offer you anything?—I went down
and opened the door, and I saw two men that

I knew, and two that I knew not, Joseph Weightman and Joseph Topham were two of them.

Had they any arms?—Pikes.

What sort of things, something of this kind?—Yes, similar to those.

When you went down to them into the street did you ask them any questions?—I asked them where they were going and they said they were going to Nottingham.

What did you say upon that?—I said I could not pretend to go; that I had no money to carry me there, nor nobody to take care of my family while I was gone.

What answer was made to that?—They said they should keep me on roast beef and ale, and that there were people appointed to take care of every one's family that went, who would come in two days or under.

What did you say to them?—I dressed myself and went out; a pike was forced upon me.

Was anything said about your going that night or the next morning?—Yes, they said I had better go that night than stop till morning.

Why?—That they would come in a cloud they said out of Yorkshire the next morning, and sweep all before them, and those that refused to go would all be shot.

You tell us they forced a pike upon you?—Yes.

When you got a few yards from your door what passed?—I told them that if they were going to Nottingham I should not be able to carry that, it was so heavy, and I should throw it down, upon which one of them took it.

Did you observe any greater number at a distance?—When we had gone twenty or thirty yards along the turnpike-road, I saw twenty or thirty armed with guns, pikes, and other weapons.

Do you know Fletcher?—Yes.

Did you go to Fletcher's?—Yes.

Did you see anybody there whom you know particularly?—Yes, I saw the captain; I did not know him particularly?

Did you see anybody else?—Yes, I saw William Turner.

The prisoner?—Yes.

Whom else?—Manchester Turner, Isaac Ludlam, the elder, William Ludlam.

Mr. Denman.—When he speaks of the prisoner, will he point out which he means as the prisoner?—

Mr. Sergeant Vaughan.—There is but one William Turner, I believe.

Mr. Denman.—But he may mistake the Christian name?—That is, the man [pointing to the prisoner].

Mr. Sergeant Vaughan.—Had you known him before?—Yes, eight or nine years: then there were Joseph Weightman and Joseph Topham.

Had you observed where the party came from that William Turner was with?—They came up as we were going into Mr. Fletcher's yard.

Do you know from whence they came?—I saw them go when coming over the bridge by the turnpike.

Had you heard any gun fired?—Yes, about Mrs. Hepworth's.

Did they come as from that direction?—Yes; they seemed to come from that direction.

Was Brandreth among them?—Yes, he was.

He had a pistol we understand?—A pistol in his apron and a gun.

Had the prisoner William Turner anything?—He had a gun.

What were the others armed with?—Isaac Ludlam a pike, Samuel Ludlam a pike.

Were most of them armed?—Yes; I cannot recollect seeing any of them without arms.

Did they take any body from Fletcher's?—Yes; William Shipman.

Who gave the word of command?—Brandreth?

Did you observe William Turner do anything? how did he march with them?—As a sort of officer.

Did he march in the ranks?—Sometimes by the side and sometimes in front, in the rank with Brandreth.

Did you observe whether they were formed into line?—Yes; they were formed into line at Pentridge-lane-end.

Who assisted in forming them?—The prisoner William Turner.

I believe they divided there into two parties?—Yes; they were divided into two parties before they were formed into ranks.

Where did you go to, your party?—The party I was with to Samuel Booth's.

Was the prisoner with that party or the other?—With the other.

Did you take any men from thence?—Mr. Booth's son Hugh, and from Mr. Wheatcroft's of Buckland Hollow, three men.

Did you see anything of George Weightman on your march?—Yes; he was upon a poney of William Booth's.

Was there any conversation about a man being shot?—Yes; I recollect having some conversation with William Ludlam; I asked him which of Mrs. Hepworth's men was shot, and he said Robert Walters.

Did you afterwards go to the Butterley-works?—Yes.

Was the prisoner William Turner one of those persons who went to those works?—Him and Brandreth walked together in the front, and knocked at the door with the but end of their guns.

After having knocked at the door, who came to the door?—Mr. George Goodwin came to the door and said, "what do you want," and Brandreth answered, "your men."

What further conversation passed between Goodwin and Brandreth, or any of the party?—He said, "you have a great deal too many, without it was for a better object."

Upon that conversation what became of them?—They marched off and went over the Coke Hearth towards Ripley.

What road did you take?—We went along the turnpike road to Ripley, and there we halted; and Brandreth said, you must give three cheers here to let Ripley know that we are going, and then we were marched on towards Codnor.

Where were you halted again?—At the Glass-house.

Whose house is that?—I do not know the man's name.

It is a public-house, is it not?—Yes.

Did they give the three cheers at Ripley?—Yes.

Then at the Glass-house you were halted again?—Yes.

Were you refreshed again?—Yes, we had some ale.

What other persons did you see there, do you know a man of the name of Bacon?—Yes, John Bacon.

Where did you see him?—Before we got to Butterley.

Did Bacon make any speech to you at the Glass-house?—Yes, I went out of the house into the kitchen, and heard him making a speech as I went in.

Tell me the substance of the speech?

Mr. Denman.—Not the substance, but the words if you please.

Mr. Sergeant Vaughan.—Tell us what you heard?—He said that government had robbed them and plundered them of all that ever they had, that was the last shift that ever they could make, they must either fight or starve.

Before the party left the Glass-house were you joined by any body else?—We were joined by a party that came from Hartsay.

Who headed that party?—Samuel Hunt and Manchester Turner.

Was what you had there paid for?—No, they gave Bramley and John Bacon the bill.

The landlord gave them that?—Yes.

Was it paid?—They said they would pay in a fortnight, when the job was over.

Were you joined on your leaving that house by any other party?—We were joined by a party that came from Swanwick.

What number?—It might be sixty or seventy.

Upon your marching were you formed again, or what became of you?—No, they were not regularly formed.

Where did you go to?—We went along for Langley-mill, and were halted again at Mr. Raynor's.

Where were you? were you in the ranks?—I stood in the ranks, alongside the window and the door.

Did you hear what passed there?—I could hear some words, but not all.

From whom?—From William Turner.

Tell us what you heard William Turner

say?—I heard him go in and order the master to turn out, and to take his man and his gun.

What did young Raynor say to Turner upon being told he must turn out?—He said he would not go; he said if he would not go he would shoot him.

By Turner, do you mean the prisoner William Turner?—Yes.

What did Raynor say upon his saying if he did not go he would shoot him?—He said he would rather suffer than go.

Upon Raynor giving that answer, that he would rather suffer than go, did Turner do any thing?—He went out and called Brandreth to his assistance.

Did Brandreth come to his assistance?—Yes.

Upon his coming what did he say?—He said if you do not turn out I will blow a bullet through you.

Was there any other language used, and of what sort by Brandreth and Turner to Raynor?—There was violent bad language used by both of them to Raynor.

What was the end of it?—They took away the man, the servant man, and the gun and a pitching fork.

Whom do you mean by they?—The party, there were several of them in the house.

Did you proceed on your road towards Langley-mill, having left Raynor?—Yes.

Did you take anybody in your way?—Yes, they met a man with five cows.

Did they take the man with them?—Yes.

Was he taken voluntarily or by compulsion?—No, he appeared to be taken by force.

When you arrived at Langley-mill, did anybody meet you from Nottingham?—George Weightman met us there on Booth's poney.

That was the man who had left you on the poney you have spoken of before?—Yes.

On his coming to you, to whom did he speak first?—I cannot say but the first I heard was, "March on, lads, all is right; they have bombarded Nottingham at two o'clock this morning, and it is given up to them."

Did he say any thing further, or did they march on?—They kept marching on.

Where did you march to? towards what place?—I saw the Captain go to him, and they appeared to be having some private conversation, what it was I do not know.

Upon that private conversation being ended, did you march on towards Eastwood?—Yes.

Tell me whether when you got to Eastwood you saw a person of the name of Barnes?—Yes.

What is his christian name?—James.

What was he doing there?—He had his gun in his hand along with a party.

Do you know where he came from?—Yes, from Swanwick.

Did you observe where the Swanwick party joined?—At Codnor.

Had you any conversation with Barnes?—Yes, he came to me, and I said, "Art thou one of them?" and he said, "Yes;" and I asked him what they were going to do when they got to Nottingham.

What answer did he make to that question?—He said they had fixed up a fresh government at Nottingham, and they were going there to defend it until the other counties came into their terms.

What further did he say?—He said, by a letter which he had lately seen from London, the keys of the Tower would be given up to the Hampden-club party, if they were not already.

Do you remember any other expression?—No.

Did he say what he had been doing with himself?—He said he had never sat down since four o'clock yesterday morning, five minutes together.

Did he say how he had employed his time?—I asked him what he had been doing, and he said he had been providing guns, spikes, and ammunition.

At Eastwood, what state were they in as to order or disorder?—The companies seemed quite disordered, and Brandreth ordered them into ranks.

What did you do at that time, when the companies were being ordered into ranks?—I went into rank along with them, stood a few minutes and then turned out of the rank.

When you turned out of the ranks did you say any thing?—No; I stood a little out of the rank, and Brandreth came to me and ordered me into the rank again.

What did you say to him on his so ordering you?—I said I would not go into the rank again, neither for him nor for any other man.

What did Brandreth say to you upon that?—He said, if I did not go in again immediately, he would shoot me, and I saw him cock his gun.

Upon his cocking his gun did you say any thing to him?—I was armed with a stack-paring-knife, and I stepped up to him.

What is a stack paring-knife?—It is a scythe, with a little cut off one end of it, and then stuck into a stiek about a yard long.

To trim the corn stacks with?—Yes, after they are thatched.

Having that weapon in your hand, what did you say to Brandreth on his cocking his gun, and levelling it at you?—I stepped up to him and said, if he offered to level the gun I would smite his head off.

What did he say or do upon your making that speech to him?—He stood a little while, and then he turned off from me.

Upon his turning off from you, where did you go to?—Marched back towards Langley-mill.

Upon your marching back, what distance did you go from them before you heard or observed anything?—I went about fifty or sixty yards, and then I heard a cry of "do not shoot."

Upon hearing a cry of "do not shoot," did you turn round and observe anything?—I turned round and saw Brandreth with the gun up to his shoulder, and pointing towards me;

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I then saw Thomas Turner take hold of him and pull the gun off.

I'll it out of the direction from you?—Yes.

What became of you then? did you meet with any other obstruction, or did you go away?—On marching a little further I was followed by a man of the name of Savage.

Had Savage any weapon in his hand?—A short pistol like a foot long: he said, if I did not turn back he would blow a bullet through me.

We need not go into this. What number might you have at Codnor do you think?—I thought about two hundred, I did not count.

That was when you marched on from Codnor towards Eastwood?—Yes.

Did you meet or see any other party upon your return?—I saw a party with some colliers amongst them, about fifty, apparently.

How many of them were armed?—Six or seven, perhaps; the biggest part of them had no arms.

Did you meet any others?—No; I saw a party by Langley-mill, by Mr. Bowles's, but I went by a bank to avoid them.

How many were there?—About sixty.

There were about two hundred at Codnor: a party of fifty, and a party of sixty?—Yes.

Better than three hundred all together?—Yes, I should think there might.

What was the part William Turner took in those transactions?—He appeared to be a sort of commander, a sort of a captain.

Brandreth was the principal commander, but he was assisting him?—Yes, he was; he appeared to be under Brandreth.

Henry Hole cross-examined by *Mr. Cross*.

You were under Brandreth of course?—Yes.

All of you were under Brandreth?—Yes.

You stated something that was said by Barnes to you, William Turner was not present to hear that?—No; I do not think anybody heard that but myself.

You have already stated the speech made by Bacon?—Yes.

Turner was present?—No; I do not think that he was in the same room. I do not wish to speak anything but what I know.

Mr. Cross.—No, you do not, I am sure.

William Booth sworn.—Examined by *Mr. Clark*.

Where did you live in June last?—At Pentridge-lane-end.

What is your employment?—A labouring man, we took care of a farm for Mr. Pearson.

Where was that farm?—At Pentridge-lane-end.

Did you reside in the farm-house there?—Yes.

Do you remember Monday the 9th of June?—Yes.

Were you disturbed at all during that night?—Yes.

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About what time?—Between twelve at night and one in the morning.

What were you disturbed by?—A parcel of men that came with pikes and guns, rapping at the door.

Did that knocking at the door continue long?—Yes; they called "halloo."

Did you get up to see who they were?—Yes; I got up to the window.

What did you observe?—I observed a quantity of men standing round the door.

Had those men any thing with them?—Yes; some had spikes and some had guns.

By spikes do you mean such things as those?—Yes.

Did they say anything to you?—Yes; they called out, and I went to the window, and said "what do you want?"

What answer did they give to you?—They said, "we want you and your gun." I said "I have no gun."

What said they to that?—They said "then we must have you;" I said, "I cannot go, I am balloted for the militia."

Did they give any answer to that; did they tell you to do anything else?—They said, "I must have you, come down and open the door;" I said, "I cannot go, I am balloted for the militia, I must go to Derby to-day."

What answer was given to that?—They said, "if you will come down and open the door we will free you from the militia, or else I will blow your brains out."

Was there more than one voice that addressed you, or was it all one person?—It was all one person.

Did you go down stairs?—Yes.

In what state did you find your door?—When I got down stairs they were breaking the door, there was a large iron bolt to the door, as soon as I drew the bolt, part of the door fell into the passage.

Was that door safe when you went to bed?—Yes.

When the door was opened what did you observe?—I observed a number of men, some with guns and some with spikes, standing at the door.

Did any body say anything to you when you got down to the door?—Yes; they rushed in.

How many?—Perhaps six or eight.

Did any of them speak to you?—Yes.

Who spoke to you?—The Captain of the gang said, "where are your clothes."

Was that Brandreth?—Yes; I said, "they are up stairs;" he said, "go put them on immediately."

You came down stairs undressed?—Yes; I went up stairs.

Did he say anything more, when he ordered you to go and put them on immediately, as to what would be the consequence if you did not?—No.

You went up stairs?—Yes.

Did any body go up with you?—No; the Captain and some others lighted a candle and followed me up stairs.

Who followed you up stairs besides the Captain?—William Turner was one that I knew.

Is that the person you mean? [pointing to the prisoner]—Yes, that is the man; he followed me up stairs too.

When they came up stairs did they say anything to you?—Yes, the captain asked me what I had been doing that I was not dressed; I said I would make what haste I could; he said, "I would have you to look sharp or else I will blow your brains out."

Were any other persons there at that time?—Yes, Turner was there at that time.

Did the Captain say any thing else?—Yes, he told me to look sharp, and said, "You seem to wish me to shoot you." I said "I had rather you would not." He said, "If you do not look sharp I shall."

What was done with you then?—They took me down stairs before them into the house place.

Were you going to put on anything there?—Yes, I was going to sit me down on a squab to put my boots on.

Were they lace-l boots?—Yes; I offered to lace them, they told me that if I stayed to lace my boots he would blow me through.

Who said that?—The Captain.

Did you stop to lace them?—No, they drove me out of the house before them.

Was any inquiry made of you when you got out of the house whether you had any arms?—Yes, some one called me by my surname and said, "have not you a gun?" and I said, "no, I have not, nor never had."

What observation was made to you upon your saying you had not a gun?—They said I must take a fork; I said, "I cannot find a fork."

Did you take anything with you?—No, nothing at all.

Where did they take you to?—They took me into the lane out of the yard into the high-road.

What did you observe when you got into the lane?—A number of men standing in ranks.

What sort of rank?—They stood in rank two deep.

Had those men who stood in rank arms?—Yes, some had arms, some had not.

What were those arms they had?—Some were spikes and some were guns.

What was done?—The Captain took me along the ranks till he came to a man with a gun.

He put you to that man with a gun?—Yes; and he said to that man, "take this man as a prisoner."

Did he say anything else to him?—"And if he offers to get away shoot him."

While you were in Pentridge-lane, did you hear any disturbance at any other houses?—Yes, along the road.

Could you hear what they were doing?—I could not hear what they said, but they were knocking at the doors and calling to them to get up.

What was the first place you went to?—They went from there to Mr. Storer's, there they halted.

Was Mr. Storer taken?—Yes.

I will take this very short; did any other men come up after that?—Yes, there were some other men came up while we stood there.

What was done upon those other men coming up? did the Captain say anything or do anything?—Yes, the Captain said, "if there be any of you that have been in the volunteers or in the local militia, step three paces forwards."

Did any step forwards?—No, I did not see any.

How were the men placed then?—Three deep.

Where did you proceed to then?—Pentridge.

Where to at Pentridge?—Pentridge Town-end.

Was anything done by order of the Captain when you got to Pentridge Town-end?—Yes, he inquired for a loaded gun to take it to the close near the Meeting-house.

What was done with it there?—The gun was fired to give them a signal at Butterley.

Do you remember seeing George Weightman?—Yes.

Had he anything with him?—Yes, I saw him with a poney.

Whose poney was it?—Mr. William Booth's.

Did you hear any directions given by Brandreth to him?—Yes; he said, "You will take this poney to Nottingham Forest, and see how they are going on; and come back and meet us at Langley-mill, to bring tidings," which was done.

He went off?—Yes.

Was there any mention made of what time they should have been at Nottingham?—Yes.

What was that?—The Captain said, "I thought Pentridge would have been all ready, and it is the worst place we have been at; we should have been at Nottingham by three o'clock."

Where did you go to then?—We went from thence to Butterley-foundry.

There you saw Mr. Goodwin?—Yes.

I will not ask you as to that, because Mr. Goodwin will give an account of that: where did you go to from the foundry?—We went from the furnace over the Coke Croft.

Did you go to Ripley and Codnor?—Yes, we went to Ripley.

Where did you go to from Ripley?—From Ripley we went on the Nottingham road from Langley-mill.

Did you go to Codnor?—Yes.

Did you go to any public-house there?—Yes; a house called the Glass-house.

Do you know old Isaac Ludlam?—Yes.

Was he there?—Yes.

Do you recollect his saying anything to the Captain?—Yes; when the men were going into the house he said, "some man must stop out in the road, or the biggest part of the men will get away."

Did any body stand at the door?—Yes; he stood at the door the whole while.

Who was that?—Old Isaac Ludlam.

Can you tell me whether the prisoner, William Turner, was at the Glass-house?—Yes.

Had you any conversation with him there?—Yes.

What was it?—I asked them, "Where did you begin, last night?" and he said, "At ten o'clock at Wingfield."

Does your master, Pearson, live at Wingfield?—Yes.

Did you ask him any question about your master, Pearson?—Yes; I asked him if they called, and he said, "No, we mean to call upon that beggar when we come back."

When you went from Codnor, did you go by the house of Mr. Sterland?—Yes.

Was the party halted there?—Yes.

What was done when you got opposite there?—There were some men went into Mr. Sterland's yard: they seemed to search the buildings round, and they brought out some men and some forks.

Can you tell me who were the men who went and brought out the men and the forks?

—Yes; there was William Turner and Samuel Hunt among them.

Where did they proceed next?—We proceeded along the road to Mr. Raynor's.

Did you stop there?—Yes.

Did you see anything of the prisoner, Turner, at Raynor's?—Yes, I saw him go into the house the first man that went in.

Had he anything with him then?—He had a gun.

Did anybody else go with him?—There were several went in.

After those persons had gone in, did you hear a noise and disturbance there?—I heard a noise, but did not know what it was.

Did anything pass after that?—He came out in ten minutes, or a quarter of an hour, and called for the Captain.

Was the Captain outside then?—Yes, he was halted in the road; he said, "Captain, he will not go; he is not willing to go."

What said the Captain to that?—He said, "Shot him, then, we will either have him dead or alive."

What did Turner do then?—Turner returned into the house again.

How long was it before he came out again?—Perhaps five or six minutes before he came out again.

When he came out again what did he do?—He called to the Captain to come to him, he wanted to speak to him.

What did he do?—They talked to the value of five minutes together between the road and the house; I could not hear what they said; then they returned into the house both together again.

What passed in the house, you do not know?—No, I do not.

Did you go on from thence to Langley-mill?—Yes.

You have told us before that George Weightman was sent on to Nottingham to see how they were going on?—Yes.

When you got to Langley-mill did you see anything of George Weightman?—Yes.

Did Weightman come down the ranks?—He met us, some of the men went round the road or crossed over by the Mill, a shorter way.

There you met them again?—Yes, against the toll-bar.

Had he been at Nottingham or that way?—I do not know that he had been, he came through that way.

Did you hear him say anything?—Yes, there was a man asked him how they were going on, he said "they are going on very well, the soldiers are all in the barracks, march on my lads as fast as you can."

William Booth cross-examined by
Mr. Denman.

Where did you first join, where did you first go with them?—Pentridge-lane-end.

Mr. Clarke.—I will just ask him one other question; did you see a person of the name of Hole there?—Yes.

Did you see what passed when Hole was going away?—Yes.

When Hole was going away did you hear the prisoner say anything to the Captain?—Yes.

What did he say?—Hole told the prisoner "I will not stop any longer, I will go back," he said, "if you go back, you will be shot;" "well," he said, "I do not mind, I will not go any further;" the prisoner immediately called for the Captain, and said, "here is a man going back."

What did the Captain do upon that?—The Captain came immediately to Henry Hole.

Mr. Clarke.—Hole has told us what passed.

Mr. Denman.—He told Hole that if he went away he would be shot?—Yes.

How soon after that was it, that Hole did go?—Perhaps five minutes.

He was not shot?—No.

And he was not fired at?—No, he levelled a gun to fire at him.

Who did?—The Captain.

And he was prevented by some of the party from firing it off?—He was.

You say you first joined them at Pentridge-lane-end?—Yes.

And then you went to Pentridge?—Yes.

And then to Butterley?—Yes.

And from Butterley to Ripley I think?—Yes.

Then to Codnor?—Yes.

That is where the Glass-house was?—Yes.

Were you there?—Yes.

Did you hear Bacon make a speech?—No.

Did you see him go into the House?—Yes.

Did you see where the prisoner Turner was at that time?—Yes; William Turner the prisoner went into the parlour where I was.

Bacon was in the kitchen?—Yes, he was.

You did not hear the words he said?—No.

From Codnor you went as far as Langley-mill?—Yes.

Where did you say that you left the party?—Beyond Eastwood.

How many do you think the party consisted of when you came away?—There were not as many when I came away as when I went to the party.

How many do you think there were when you went away?—Nearly one hundred.

How many did you come away with?—With Henry Hole and another man; we got away together.

Mr. John Storer sworn.—Examined by
Mr. Gurney.

You, I believe, are a farmer residing at Pentridge?—Yes.

On the night of Monday, the 9th of June, were you disturbed by any mob, or any number of people coming to your house?—Yes.

About what time?—About one o'clock in the morning, as I thought.

What number of persons appeared to you to have come to your house?—Twelve or fifteen.

Did they come quietly, or otherwise?—No, I was awakened by the dog's barking first, and I went to the window.

There you saw the people you have mentioned?—Yes.

Did they make any demand?—There were a number of guns and pikes pointed directly at me.

What did they say to you?—"Damn your eyes, you must go with us instantly."

Was that said by one, or more than one?—It was said by the prisoner at the bar, William Turner.

Did you agree to go, or refuse?—I asked if there was no excuse, and they said no.

Who answered you?—William Turner answered me.

What more did he say?—He said there were several at our house liable to go, and he said if I did not go and take a gun instantly, they would break into the house immediately, and shoot me and all that was in it.

What more did he say?—He said, that the Captain had just shot Hepworth's man, all must go, or be shot.

At this time were you dressed or undressed?—Undressed.

Did you go from the window to dress yourself?—Yes, I told him, if he would give me a little time, I would go.

What was it that induced you to say to him that you would go?—I thought I must be shot.

Did you then begin dressing yourself?—Yes.

While you were dressing yourself, was anything more said to you by any of the party?—They called to me, and told me to make haste, or they would make me so that I could not go.

That they would hurt you?—Yes.

Did you dress yourself and go out, and take your gun with you?—Yes, immediately.

Was any question put to you by either of the party with respect to the state of your gun?—They asked me if it was loaded, I told them it was not.

When you say they, whom do you mean?—I cannot say, I do not know.

Was that said in a whisper, or loud?—I have no doubt that all the others that were there heard it.

What question was then asked you?—They asked me if I had got any shot and powder; I told them I had got a little shot, but no powder,

What reply was made to that?—They said it would not mean, they should have plenty of powder in a short time.

Did they say any thing else they should have?—No, nothing particular.

What became of you then?—When I got to the gate leading to the lane, I told them I had been very unwell the day before, and was not fit to go.

What did they say upon that?—I said I could not carry the gun any further; they said it must go with the baggage.

Did you upon that ask where the baggage was?—Yes, they said they had not any then, but they should have.

Did they add any thing to that, as the reason why they should soon have baggage?—No; they expressed great impatience for the arrival of the Captain, and the party from the lane-end; we waited I think about twenty minutes before the Captain and his party came up.

Before the Captain came up, did you ask them where they were going to?—They said they were going to Nottingham; that they were coming all roads; that it was a general rising; that twenty-five or thirty thousand were coming from Sheffield; that there would be several hundred thousand assembled that day; that liberty would be gained, and an end to tyranny.

Do you remember the persons by whom all this was said?—They stood all of a body, I cannot say who it was.

Was William Turner one of that body?—Yes.

Was he armed?—Yes, he had a gun.

Do you remember any other in that body?—Yes, there was Isaac Ludlam and William Barker.

Isaac Ludlam the elder or the younger?—The elder.

Was it stated where the Captain then was?—They said he was at the lane-end, and would soon come up.

That is Pentridge-lane-end?—Yes.

Did he come up?—Yes, he came up with the other body of men.

What size do you think that other body was?—When they were all together, I thought about one hundred.

Were they all armed?—The greatest part.

With what?—Guns and pikes.

By pikes do you mean such as those?—Yes.

What was done with the men when they were all assembled?—The Captain ordered them to fall in three deep, the guns in front.

Who was that captain?—Jeremiah Brandreth.

What more did Brandreth say besides ordering the men to fall in?—He ordered them to fall in, and he held a consultation with the principal men, and said he would appoint the principal officers.

Who were the principal men?—A man whom they called Lieutenant Turner, I heard afterwards his name was Manchester Turner, they called him lieutenant.

Whom else did he consult with?—Isaac Ludlam the elder and William Turner.

After consulting with them, what did he say?—He said it would be best to appoint non-commissioned officers; he then asked if there were any men that could do the duty, or had been in the local militia.

Did any turn out upon that?—There were some turned out; there was an order given to them that could do it to turn out, and they should be appointed, and have the care of a number of men.

Did any turn out?—I have no doubt some did; some appeared to turn out, I stood still.

Were the men then formed in rank?—They were formed three deep.

What did you then do?—We were then ordered to march.

By whom?—By the Captain; there was first an advance and a rear guard appointed, and Isaac Ludlam the elder commanded the rear guard.

Who marched at the head?—I do not know.

How did William Turner march, did he march in the ranks or out of the ranks?—He was out of the ranks.

To what place did you march?—Up the lane towards Pentridge.

What was done at Pentridge, were any houses attacked?—Yes, a great many.

What was taken from them?—Guns.

Any men taken also?—Yes.

While you were at Pentridge did any thing occur respecting yourself?—Yes; I feigned myself ill when I got to the bottom of Pentridge, and told them I could not go any further.

Upon that what was done?—The Captain came up.

That is Brandreth?—Yes; and said I must go, that they would all do in that way; some said "damn him, shoot him;" some said "run a pike through him;" they then appointed two men to take hold of each arm, and they led me up Pentridge in that way, in the midst of the body of men.

Did you still pretend to be ill?—Yes.

Upon that what did they do for you?—They held me up, those two men did.

What did they do for you next?—I went with them all the way up Pentridge a considerable time.

Was a poney got for you?—Mr. Booth's poney was fetched out.

Were you put upon it?—Yes; I did not stop on any time.

You continued your pretence of illness?—Yes, and slipped off.

What passed then?—They then brought the Captain, he says, "damn him, put a pike through him;" and I said, "it is no use taking me in this way, you had better shoot me, and then you will be safe of me;" he said, "damn him, leave him we can do without one."

Then you were allowed to depart?—He ordered the men to face about to the right and march, and they left me.

How far was it in all that you went?—Not quite a mile; I think more than three quarters.

Was William Turner with them throughout the whole of that distance?—I saw him frequently.

How long were you with them?—More than two hours; I saw him actually employed in Pentridge, going with different parties to different house-doors, and threatening to break them open.

After you had quitted the party, did you go to the house of William Weightman?—I went to the house of William Booth.

Did you go to the house of William Weightman?—Yes; we did.

Did you see Weightman there?—While we were in Mr. Booth's house, William Weightman came in.

How near was the party you had got away from at that time?—They were just gone.

Had you seen Weightman in the party?—No; I had not.

I do not ask you any thing which William Weightman said to you at Mr. Booth's, but did you see him at his own house?—Yes.

Did you see any thing there?—I saw a bag of bullets.

Did you afterwards give information to any person respecting those bullets?—I went with Mr. Booth down to the constables, and wished him to go with us.

Did you go back to William Weightman's house to lay hold of the bullets?—Yes; to stop them.

When you came back to Weightman's house, was Weightman gone, and were the bullets one?—His wife held the door in her hand.

Do not tell me what she said; did you find the bullets?—No.

You did not go into the house in consequence of information you had received?—No; we did not.

Did you see Thomas Weightman of the party?—Yes.

How was he armed?—He had a pike.

Did you see Joseph Weightman, jun.?—Yes; he had a pike.

Manchester Turner?—He had a sword.

Did you see William Ludlam?—Yes.

What had he?—A pike.

Did you see Samuel Hunt among them?—Yes.

What had he?—A pike.

Joseph Topham?—Yes; he had a pike.

Alexander Johnson?—Yes; he was there; he had a pike.

Did you see James Taylor?—Yes; he had a pike.

Joseph Taylor?—He had a gun, I think.

William Barker?—He had a pike.

What number did they consist of when they marched away from you?—I think about a hundred, they got some men out of Pentridge, but during the time I was with them a great many ran away.

Mr. John Storer cross-examined by Mr. Cross.

Had you known the prisoner, William Turner, before that time?—Yes.

You have no doubt about his person?—Not the least.

You were not examined before I believe?—No.

Where were you, were you in Derby last Thursday and Friday?—Yes.

Mr. George Goodwin sworn.—Examined by Mr. Sergeant Copley.

I believe you are one of the managing clerks at the Butterley-works?—I am.

In the month of June last, about how many men were employed at those works?—About six or seven hundred in the employ of the Butterley company.

In consequence of what you heard and observed in the course of the 9th of June, were any special constables sworn in on that day?—They were sworn in on Saturday the 7th.

Were you sworn in as one of those constables?—I was.

Did you, in consequence of information you had received, arm any of your men on the 9th?—We did.

Did you take the direction and command of them?—Partly, Mr. Jessop was with me.

Where were the men?—The greater part of them were at Ripley.

Were you at Ripley yourself?—Yes.

Till what time did you remain at Ripley?—Till day-light on the morning of the 10th.

While there, did you hear any noises of any description?—I did.

Of what description?—Guns firing, and horns sounding.

Where did they appear to be?—At Pentridge, and Pentridge-lane-end.

At break of day you returned to the works?—We did.

After you returned to the works did you see George Weightman?—I did.

Tell us, as nearly as you can, at what hour?—A little after three o'clock.

Was he on foot, or on horseback?—On horseback.

Which way was he going?—He was going on the way from Pentridge to Nottingham.

Did you speak to him?—I did; I called to him to stop.

Did he stop?—He did not; he just looked back; and rode on.

Shortly after he had passed did you see any men towards Pentridge?—I did: a body of about an hundred men, marching on the road from Pentridge to Butterley.

Were they armed or unarmed?—Armed.

How were they marching?—In regular order like a body of soldiers.

In one or two lines?—They were two abreast in column.

What did you do upon that?—They marched up in front of the house; the doors of the iron-works were closed; they marched up to the doors, and the Captain knocked at the gates.

Were you inside the works at that time?—No, I was not.

Where were you?—At the door of the office, he first halted the men, "To the right face, front."

Upon that order did they front the office?—They did.

The office then was to their left?—Yes.

Before they made that movement the office was to their right?—Yes.

After he had done this you say he knocked at the gate?—Yes. I asked him "what do you want? what is your object here?" he said, "We want your men."

Was this through the gate, or did you come out of the office?—I was outside of the office, the office faces.

What did you say?—I told them they should not have one of them; that there were too many already, without they were going for a better purpose.

Did they return any answer to that?—No, they did not.

What more passed?—I told them to disperse; that they might depend upon it the law would be too strong for them; that they were going with halters about their necks; that they would be hanged.

Did you see in the party any whom you knew?—I saw Isaac Ludlam the elder, James Taylor, and Isaac Moore; and a great many others that I knew by sight: but I should not like to swear to them.

Did you speak to Isaac Ludlam?—I said, "Good God! Isaac, what do you do here upon such an errand as this? Go home; you have got a halter about your neck; you will be hanged."

What answer did he make to that?—He said, "I cannot go back; I am as bad as I can be; I must go on." He appeared exceedingly agitated.

You had men in the office at that time armed?—We had.

Did you make any attempt or give any advice to these persons as to the office?—When we saw the rebels approaching, we ordered them to retire into the office and defend themselves there.

To Isaac Ludlam or the two other persons whose names you have mentioned, did you tell anything about the office?—When I told Isaac Ludlam to go home and leave them, I took him

by the shoulder and pushed him towards the office.

Could he have gone into the office?—He might.

Did you do that to either of the other men whose names you have mentioned?—To both of them.

Did either of them go into the office?—Neither of those.

Did any of the party go into the office?—Three went into the office.

They remained there?—Yes.

What then took place?—After a short pause, in which the two parties stood looking at each other, the Captain gave the word "march," and took the men away.

Did they proceed towards Nottingham or in the other direction?—They proceeded towards Ripley.

That is upon the road to Nottingham?—Yes, it is the regular road to Nottingham.

When you get to Ripley, there is a regular road to Nottingham?—Yes.

After they were gone, did you perceive any other party coming?—Yes, there was another body came shortly after.

Of how many did that body consist?—Perhaps about forty, but they did not come near to us.

Were they near enough for you to see whether they were armed?—Yes, many of them were armed with pikes and guns.

How soon after the first party?—About a quarter of an hour.

Did they go on towards Nottingham?—They did.

Did you see any other party besides those two?—No considerable body.

Did you see any other party going in the same direction?—Yes.

Did you see a person of the name of William Weightman?—Yes.

How long was that after the second party had passed?—About half an hour, perhaps not quite so much.

Was he on foot or on horseback?—He was on horseback; there was a young man named William Taylor along with him. I stopped him by laying hold of his bridle, and told him he should not go.

Did you take anything from him?—Yes, I took a bag of bullets from him.

Have you got that bag of bullets here?—I have. [Producing it]

Where did he carry that bag of bullets?—Upon the horse.

Did you see them when you first took hold of him?—No, I did not, they were on the off-side of the horse; when he turned the horse round, then I saw them and took them.

How many pounds weight of bullets were there?—About eighty-four.

Are they made for different bores?—There are a great variety of sizes.

Can you tell us what number of bullets there are?—I should think there would be from one thousand five hundred to two thousand

bullets; I should think they are not above an ounce each.

Was there anything else in the bag?—There are sticks or something to make cartridges, moulds for cartridges.

Was there any paper in the bag to make cartridges?—Yes, there were.

There were the bullets, the moulds, and the paper to make cartridges?—Yes.

These are the moulds? [Producing them]—Yes.

Mr. Sergeant Copley.—They are of three different sizes my lord.

Mr. George Goodwin cross-examined by Mr. Cross.

You were sworn in as a special constable?—I was.

And Martin and Asbury also?—Yes.

They were sworn in at the same time with you?—Yes.

They were two men who knew their duty very well in that capacity?—I am not aware that they had any particular directions upon their duty, they were sworn in at the spur of the moment, it being conceived there was great danger, there were no directions given to them I believe.

Mr. George Goodwin re-examined by Mr. Sergeant Copley.

My friend has asked you about your being sworn in as special constable, why were you sworn in as special constable?—Because we were apprehensive of a disturbance.

Were there such symptoms as to induce you to fear that?—We conceived there was every symptom of it, there appeared to be a ferment in the neighbourhood.

Mr. Denman.—If there are any facts from which Mr. Goodwin can state that, he may; but we cannot take his inference.

Mr. Justice Abbott.—The fact is material, and that is proved.

Mr. Denman.—It may be the merest hearsay in the world, it may be from what his wife said.

Mr. Justice Dallas.—It is hardly worth while debating it, I should think.

Mr. Attorney General.—No, my lord, I think not.

Mr. George Raynor sworn.—Examined by Mr. Reynolds.

Were you a farmer in the parish of Heanor in the county of Derby in the month of June last?—Yes.

Were you living at the house of your father?—Yes.

Early in the morning of Tuesday, the 10th of June, did any persons come to your house?—Yes.

Is your house situate near the turnpike-road from Codnor to Nottingham?—Yes.

What number of persons came?—I think about four hundred, as nearly as I can calculate.

Were they armed or not?—Yes, they had different weapons, guns and pikes.

Look at the prisoner at the bar, do you know him?—Yes; I saw him, he was the first that entered.

Where were you when you first saw him?—I stood in my father's door-stand.

You say he was the first that entered?—Yes.

Had he anything with him when he came in?—He had a gun in his hand.

Did he do anything with that gun?—He presented his gun at me, and with an oath said, "damn your eyes turn out," I stepped backwards and said, "no, I shall not turn out," he then followed me up, and said, "you won't, will you," I said, "no, I won't."

You say he presented the gun to you, did he do anything else than present it?—After speaking to me twice he then cocked it.

Did he say anything?—He insisted upon my turning out and joining their party.

You say he cocked his gun, did he say anything about what had been done anywhere?—He desired me to remember that they had shot one man, and that I should share the same fate for my stupidity if I did not turn out.

What did you say to that?—I told him I should not go, I kept retreating towards the house.

What did he do as you retreated?—He jobbed the gun into my side several times, and insisted upon my turning out.

Where were you at this time?—When I got about the middle of the house-door, he repeated, "damn your eyes, if you stir another foot I will blow it at you."

Had you a gun in the room where you were?—Yes.

Where was it?—It was up on one of the joists at the top of the house.

Did any body touch it?—The prisoner took it down; he said, "you have got a gun I see, we must have this."

Was it taken down, and by whom?—By the prisoner.

Did he do any thing with it when he took it down?—He charged it with several others.

Do you mean that several others charged their guns?—Several other pieces were charged at the same time.

This being done, what was next said or done?—The next that was done, he turned round to me after he had charged the gun and said "you must go along with us."

Did you make any answer, and what?—I told them I should not go; before I left my own house I must know on what business they were going.

Did anybody tell you on what business?—The prisoner told me they were going to wipe off the national debt.

Did he say anything more?—That they would wipe off the national debt, and begin again.

Did they say where they were going?—That they were marching upon Nottingham.

Who said that?—The prisoner.

Was anything said about the time?—They mentioned that they had half an hour to spare, and they would halt at our house.

Who said so?—The prisoner.

How long did they stay?—I cannot exactly say, more than half an hour.

How many persons do you think were in your house?—That I cannot tell.

About how many?—I should think there were nearly fifty in the house-place, the parlour, and the kitchen.

Had you there a servant of the name of James Raynor?—Yes.

What became of him?—At the time the prisoner entered he was at breakfast in the kitchen.

What became of him at last?—They took him along with them, and also killed a dog we had.

Mr. George Raynor cross-examined by
Mr. Denman.

I think it was mentioned, though not by yourself, that you had said you would rather lose your life than go along with those persons? one of the witnesses mentioned that?—Yes.

After all, you did not go with them?—No.

And I believe you came to no harm, except the loss of a dog, and the consumption of some beer and ale?—A few pitch-forks.

This conversation between you and Turner lasted a considerable time?—More than half an hour.

The conversation in which he was endeavouring to persuade you to join them must have lasted a considerable time?—Some time it was, I cannot tell how long.

You say that after speaking to you twice, he cocked his gun; are you quite sure of that? did he say he would cock it?—I am quite sure that he took it down from his shoulder and cocked it.

Did you see it in that state after it was cocked?—Yes.

Have the goodness to tell me, upon your oath (and I am sure you will tell me fairly), at the time he jobbed your side was it cocked?—To the best of my belief it was.

How soon after was it?—It was immediately after.

There were things said between?—A few things.

You never saw it uncocked again?—I believe it never was uncocked.

Did you see it at the time?—I saw it immediately before.

At the time he jogged it against your side?—I really cannot say further than I have upon that.

You think there were as many as four hundred?—To the best of my belief there were.

How many came into your house?—Fifty.

The rest remained outside?—They were plundering the places of forks, and so on.

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Did you know the prisoner before?—No.

You never saw him before?—I believe I had seen him, but not personally to know him.

How soon after did you see him before the magistrate?—I saw him in gaol not very soon after.

How soon after?—Several weeks had passed.

Was there a light in your house?—Yes, it was quite light.

There were several persons there?—Yes.

All trampling about and very busy?—Yes.

And many of them holding violent language?—Yes.

What is the name of your servant who went with them?—James Raynor.

How soon did he return?—He was about two hours and a half away, to the best of my remembrance.

At what time of the morning were they at your house?—About six o'clock.

He came back then about eight or nine?—I suppose thereabouts.

Did he come alone, or others with him?—He came alone.

Mr. George Raynor re-examined by
Mr. Reynolds.

What sort of forks did they take with them?—There were three or four hay-forks, and a pitching fork.

At six o'clock, the sun had risen some time?—It was quite light.

William Roper sworn.—Examined by
Mr. Richardson.

I believe you live at the race-stand upon Nottingham Forest?—I do.

Were you at Nottingham on the evening of Monday, the 9th of June?—I was.

What hour did you set off to return home?—I should think about half past eleven, as nearly as I can guess.

You pass up to the windmill, and over the race-course, to your house?—Yes.

On coming on the race-course, did you observe any number of people there assembled?—I met two.

You first met two?—Yes.

Did you afterwards meet others?—Yes.

And any considerable number of people together?—Yes.

How many do you think you saw together?—I should think somewhere about a hundred, more or less.

In what way were they standing?—They were in lines.

Drawn up in a line?—Yes, a straight line.

Were they single, or one behind another?—Two deep.

Did they appear to be doing anything, or any persons doing or saying anything to them?—Yes; in the centre.

Mr. Denman.—My lord, I would submit whether this is evidence against this particular prisoner. In the former case, there appeared to be representations of Brandreth that there
3 X

were to be men on Nottingham Forest, but whether this man knew that, does not appear.

Mr. Justice Dallas.—I do not see how there can be a distinction between the case of Brandeth and the present case upon this point.

Mr. Richardson.—Did they appear to be doing anything?—There were several people in the centre of the others, who appeared to be speaking to them.

Did you pass by them?—Yes.

There was a Mr. Percival with you?—Yes.

Did you pass in rear, or in front of them?—In front of them.

After you had passed them and how far, did any of them follow you?—When we had passed them about twenty yards, there were eight or ten came after us, or more; I cannot exactly say the number, eight, ten, or a dozen.

Were the men whom you saw drawn up in line armed in any way?—Yes.

With what?—They had long poles, about a dozen of them, I should think.

Had those men who came after you any arms?—Yes.

They had long poles?—Yes, they had.

Did they stop you?—Yes.

How?—They came up to us and asked where we were going?

Did they make any use of the poles?—Yes; they brought them down to a charge on Percival and me.

Could you see whether there was any thing at the end of the poles?—I could not.

They stopped you by those poles being brought down to a charge?—Yes.

Had you conversation with them?—Yes.

Afterwards did you pass on?—Yes.

Did you go to your own house?—Yes.

Sometime after that, did it begin to rain?—Yes.

Did you again come out of your house?—Yes.

Is there a projection, a sort of shed, at the stand where your house is?—Yes.

When you came out did you see any of those persons there?—They came there while I stood under the piazzas.

Did they appear to you to be the same persons you had seen before drawn in a line?—Yes.

They came under the shed did they?—Yes, they did.

Were they drawn up in any way there?—Yes; drawn up in a straight line.

Two deep?—I cannot say that.

Did you leave them there and go into your house?—Yes.

At any time after that, and how long, were you disturbed in your house by anything?—About one o'clock I heard a great noise at the door.

A noise of what, a knocking?—Yes; a great knocking at the door.

What did you do upon that?—I went and asked what they wanted.

What answer was made to you?—They

asked whether I had not got any fire arms; I told them "yes;" they told me, I must deliver them up to them; I told them, I would not.

Did they say any thing more to you?—I told them that I should not; they said, if I did not, they should be under the necessity of breaking the door open, and taking them by force; I told them, if they did I would blow the first man's brains out that came in. They said, would I; I said, yes; they said, "bring the men up with the fire arms."

I believe they did not ultimately get your arms?—No.

Did they ask you what arms you had?—Yes; I told them I had a fusee and a rifle piece.

And you refused to deliver them?—Yes.

Did they ultimately go away?—Yes.

How long might they stay at your house?—I think they went away about two o'clock.

Did they all go at first, or were any persons left behind?—There were some left behind. I heard the greater part of them go. Under the piazzas there are flag stones, and I heard the bustle of their going off; but after they were gone, I heard people at the front door, and at the back door.

They afterwards went?—Yes.

Did you pick up any thing after they were gone?—Yes; I went out at three o'clock in the morning and picked up a pole.

Was it a pole similar to one of those?—No, not so good a one as those.

William Roper cross-examined by Mr. Cross.

It was a wet night we understand?—Yes.

And very dark during the night, short as it was?—Yes.

And you thought you saw about a hundred men, and about a dozen of them had what you call poles?—Yes.

That was all you saw upon Nottingham race-ground?—Yes.

William Roper re-examined by Mr. Richardson.

Could you see whether the rest of the men had poles or not?—Yes, if they had I should have seen them.

Captain Frederick Charles Philips sworn.—

Examined by Mr. J. Bulguy.

You are a captain of a troop in the 15th Hussars?—I am.

Were you stationed at the barracks at Nottingham, on the 9th of June last?—I was.

How far are the barracks from the town?—They may be half a mile.

Do you recollect in what state the town of Nottingham was on the 9th?—There was a good deal of bustle and confusion on the night of the 9th and a party of military were sent for from the barracks in consequence.

Did the military remain long in the town?—They remained about a quarter of an hour; the people dispersed, and they returned to the barracks.

Was any application made to you the next morning; and if so, about what time?—About past six I was called out; went with Mr. Rolleston and Mr. Munday with twenty men in the direction of Pentridge.

Tell us what you observed in your way?—About half a mile before we got to Eastwood, I observed some men flying, armed with pikes, over some fields on the left-hand side of the road.

Were you near or at some distance when you so perceived?—Not half a mile from them; they were so far we could not overtake them.

Those persons you say were flying on the left of the road?—Yes; we proceeded on through Eastwood and between Eastwood and Langley-mill we came up with a party of about sixty more.

Were the party you met between Eastwood and Langley-mill collected together or in a dispersed state?—They were standing in the road together; there might be some in the fields on the road side, but a considerable number were in the road.

Did you observe any thing in their conduct?—I observed one man endeavour to make the others stand by a motion with his hand.

Did you observe whether the sixty men were armed or not?—They were most of them armed, I cannot say whether all of them were; they were armed with pikes and guns.

Did this one person succeed in endeavouring to make them stand, or how?—No, they paid no attention to him, they dispersed; they got over the fences on the road side and dispersed in all directions.

Did you take any prisoners?—Yes, we did.

How many?—I think altogether about six and thirty.

Were any arms of any sort found?—Yes, a considerable number of pikes and guns.

Which had been thrown away?—Yes; five or six men were taken with the arms upon them.

With arms in their hands?—Yes.

The others threw away their arms as they ran?—Yes.

Captain *Frederick Charles Philips* cross-examined by Mr. Denman.

How far were you from them when you thought you saw this person form them?—I was about sixty yards off, I came on a turn of the road near them.

How long had you been stationed at Nottingham?—About a month.

You have been there ever since?—No, I have not.

Some degree of agitation in the streets of Nottingham at ten at night is not very unusual?—I was not in the town; that message was sent by the magistrates.

Then you only know you were sent for in consequence of something that had been remarked by other persons?—Just so.

Thomas Hollowes, Esq. sworn.—Examined by Mr. Solicitor General.

I believe you are a magistrate of this county, as well as high sheriff?—I am not a magistrate.

You are high sheriff of the county?—I am.

Did you, on Tuesday the 10th of June last, go in pursuit of any of these persons?—Yes.

Had you some cavalry with you?—Yes; the Chesterfield yeomanry.

At what time?—It was about nine o'clock we left Alfreton.

Did you proceed to Langley-mill?—Yes; the yeomanry never got to Langley-mill.

Did you yourself go to Langley-mill?—Yes; past Langley-mill.

What did you observe?—We took up several people hid in different places upon the road.

Do you know the prisoner, William Turner?—Yes, I do.

Did you take him on that day?—With colonel Halton.

Whereabouts did you find him?—We found him in a ditch with his brother.

Do you know the name of his brother?—Edward Turner.

How far from the road was he?—I think in the second field from the road.

Whereabouts?—It was between Codnor and Eastwood.

Between Codnor and Langley-mill then?—Yes.

About what time was it you took him and his brother?—I really cannot say the time; I should think it might be about twelve o'clock, from eleven to twelve; I will not be positive as to the time.

In what manner were they in the ditch when you found them?—They got up out of the ditch, and began walking away from us.

As you came up?—Yes.

And you took them?—Yes; we called to them to stop, and they stopped.

And you took them?—Yes.

Mr. Attorney General.—My lord, that is the case on the part of the crown.

Adjourned to to-morrow morning, eight o'clock.

Tuesday, 21st October, 1817.

[William Turner was set to the bar.]

Mr. Cross.—Gentlemen of the Jury; before I proceed in what I shall have the honour to address to you on the part of the prisoner at the bar, I beg leave to say, that if in the course of what I shall say, any thing should inadvertently fall from me which may seem to be in contravention of any thing that has come from this Court upon the former trial, I beg their lordship's indulgence, and that they will believe it arises from no intention on my part to deviate from that constitutional course of duty which the law has prescribed to me on the present occasion.

casation, but that results altogether from the singular difficulties in which I am placed, and the great novelty of the decision, which I believe has no precedent, at least for the last seventy years.

But, gentlemen, for your attention, it will be first necessary that I should take leave, on the part of the prisoner, to suggest to you a most anxious care not to suffer your judgments to be misled by any prejudices that may have influenced your minds before you were sworn upon this jury, and still more any prejudices that may arise in your minds from a former verdict, and from a circumstance, about which, as it seems to me, you have heard too much, namely the atrocious and deliberate murder of an innocent man by the ringleader of the outrages now under your consideration. You were told by my learned friend, the solicitor-general, in opening this case, that that was not a matter upon which your decision was to depend, but that it was a matter which showed the conduct of the parties in this transaction. I cannot, I confess, exercising the best judgment I possess upon the subject, think that it is quite fair towards the prisoner, to have that circumstance pressed into the cause with so much zeal and assiduity as was exhibited yesterday. I cannot but recollect now the pressure and weight that hung upon my own mind, and that of my learned and excellent friend of whose assistance I have the benefit upon this occasion—I cannot, I say, but recollect that our very faculties were paralyzed upon the former trial, when we could not but feel at every instant in the discussion of the case, that we were defending one who had committed murder, of whose guilt, in the commission of that dreadful crime, there was no doubt: and we therefore felt, that as to that unhappy individual, the result of the trial was but of little importance; we well knew that in the ordinary course of justice that man would, three months ago, at the assizes, have paid the forfeit of his life to the injured laws of his country, if his life had not been preserved to grace this prosecution, and in order that he might be placed in the front of these trials. I do not mean to cast reproaches; it is contrary to my wish—to my disposition—so to do on any person concerned in the proceedings now before you, but I cannot I say but feel that there was some management in that proceeding; I cannot but feel that when they had secured a conviction upon that dreadful deed, it was too valuable a topic to let slip upon this trial, and you therefore found in the course of the examination of the witnesses yesterday, that witness after witness was called before you, no question no inquiry omitted that could tend more broadly and fully to expand before your view that fatal deed, before which, in the course of these inquiries, a curtain ought to be drawn.

Not content with that, no little pains were taken in the opening of this case, to persuade you that although this unhappy prisoner had no concern in that transaction, yet that in construction of law he must be visited with all

the consequences of it. I see not the reason why you should have heard of that upon this occasion; the evidence before you, as far as respects the prisoner at the bar upon that subject, is (and it is from one of the witnesses whom the prosecutors have called), that he was not present: at no great distance, to be sure, but the witness told you, that the prisoner at the bar was neither in sight nor in hearing when that fatal deed was done. Dismiss, therefore, I conjure you, from your consideration that deed which was committed, not by the hand of this prisoner, but of another, who must shortly pay the forfeit of his life for that offence.

There is another species of prejudice, to which forgive me if I take leave to call your attention. I have no reason, from any thing that I have heard or experienced in this county, to suppose but that you, as honest men, will do your duty with all that firmness which my learned friend has conjured you to exercise upon this occasion; but I have some fears, I confess, lest a jury of the county of Derby, whose minds must have been harassed and distressed by these outrages—whose property and peace must have been endangered, should feel themselves unthinkingly to be parties in this trial. Every loyal subject is, more or less, a party in a trial for high treason: if these unfortunate people have committed the dreadful crime of high treason, they have insulted us all—they have attempted to violate the dearest rights and liberties of us all; and therefore it is, that when a charge of high treason is thrown upon a man, he is surrounded on all sides with prejudice and hatred; and nothing can save him from the effect of that prejudice but the exercise of the important duty which the law has cast upon my learned friend and myself whose duty it is to stand by the side of the accused to make the most of the subject in his behalf, and to take care, under the sanction of the learned judges who preside, that he has the fullest measure of justice that the law of England can mete out to him.

Having taken the liberty of saying so much upon that subject, permit me to call your attention to the nature of the charge which is preferred against the prisoner at the bar. He is charged with the crime of high treason, and that high treason consists, as is stated, of levying war against the king, with the intent and purpose of overthrowing the government and constitution of the country as by law established—a dreadful charge, to be preferred against any man, of raising a civil war against his king, intending to depose that king, and to overturn the whole constitution of his government and his laws. We are not to be led away by high-sounding words; we must consider well what these things mean; we must consider well, fully, and in detail, what is meant by a civil war, and what is meant by an overturning of the constitution and government of the country. I am not here concerned to dispute one single fact, or to justify one single outrage, of that dreadful 9th of June.—

I do not stand here to deny or to justify any one of those acts; but my duty is to do this—to consider what is the quality of the offence—whether the prisoner has committed that most atrocious of all human crimes, or has done something short of it however criminal and however atrocious.

The history of our country does furnish instances of civil war. Great men in the realm, of extensive power, great property, and greater influence, have, according to their own notions of public rights, occasionally levied war against their king. I alluded before to an instance (which was the last that occurred in this country) in the year 1745. There was, at the head of that war, a person who had something like a claim to the crown of England—who was supported by peers of parliament, men of great property and possessions in the country—who had an army arrayed and disciplined, and provided with all the insignia and appointments of regular warfare; and I believe, gentlemen, that is the last time that any successful prosecution for this offence has taken place in England. If none of the apparatus of war is provided—if the persons are wholly unfit for the purpose, the transaction assumes a different hue, and will appear, and is in fact, I conceive, an offence of a very different description from the levying civil war.

What were the facts in this case to constitute a civil war? The evidence represents to you that a pauper, from the town of Nottingham, came to the village where these transactions occurred. He seated himself in a chair in a public-house, on a Sunday, with a map before him; he proposed to combine together numbers of persons in the manner that has been represented to you: he got together, first of all, about a dozen men. At eight o'clock on the Monday evening, I think, it began with the prisoner, and two other men, having each a gun—three guns—and their forces accumulated from, I think, about these three at first, to the number of two or three hundred at last; but, in the course of twelve hours, the whole was dispersed like a cloud, and there was an end of the civil war.

I have always understood, that, in order to constitute what is called civil war, or warfare of any kind, or a making war in a warlike manner, the apparatus should consist of something like infantry and cavalry, and arms and ammunition, and money. Now, how was it in this case?—There was some infantry it is true, and they have endeavoured, on the other side, to give this an air of warfare, by describing to you, pretty much in detail again, some of the personal and minor movements of these wretched men. There was a corps of infantry, consisting of a hundred or more persons, who had mustered (the number they have not told you) perhaps a dozen fowling pieces, and two or three score of pikes—that was the whole provision you have in evidence of this corps of infantry. Well, with regard to the cavalry, how was that? How were their cou-

riers provided? How was their ammunition to be carried? How was their artillery to be drawn? Why, they had provided themselves with a poney belonging to a Mr. Booth, and, if a courier was to be despatched to Nottingham, the poney was to carry the messenger; if the ammunition was to be conveyed, the poney was to carry it; if anything was to be done, if a sick man was to be carried upon the road, then the poney comes in upon us at every turn; so that, with the exception of this single poney, they had no means of despatching a messenger, they had no means of carrying their ammunition, and they had no means of conveying their sick and wounded. Well, then we have their arms, and we have their provision by cavalry: as to their ammunition, they had (and it has been exhibited with a great deal of stage effect before you) a quantity of shot. Well, that looks but a small quantity, they thought on the other side. Aye! “but, Mr. Goodwin,” that was the witness who produced them, “how many shots do you think there are there?” “Oh, a prodigious number of shots! I should think fifteen hundred or two thousand;” and this is the single parcel of bullets which has been brought into Court by one of the witnesses. That was the whole stock of ammunition—the whole stock they have been able to bring in evidence against the unfortunate man at the bar; for, as to gunpowder, it does not appear they had any—not a particle, except from the evidence that has been given of a few shots being fired from these contemptible fowling pieces.

Well, but then these were, doubtless, men of great power and influence in the realm—officers in the army! The leader was a pauper, as I have said before, though the attorney-general, in order to magnify this transaction (he will forgive me for the observation, I do not mean it personally to him) styled him a generalissimo. The second they state was the prisoner at the bar. He walked at the outside, and he took some leading part in this transaction, which, as I said before, was all over in a few hours without the interference of a single justice of the peace, or a single soldier; the thing evaporated in its own weakness. Such was the extreme folly and imbecility of this enterprize, having neither money, power, nor influence to support it—having no arms, no ammunition, no artillery, no skill, and, as to money, that important instrument of war, before they set out they clubbed sixpence a-piece that was to fill the military chest, and that is all the resource, for the purpose of war, with which these miserable paupers were provided: and yet this is called a civil war.

Now, what was the purpose? The solicitor general has, I think, truly stated to you that in which I most cordially unite, and shall take care you shall never forget—that if it shall appear to you that it was an assembly, for which you can assign no distinct object and motive, then the prisoner will be entitled to your acquittal. Now, let us see what is the object and

motive that they endeavoured to assign, and to fasten upon this unfortunate and miserable man, an intention to overthrow the government and constitution of the country. These are high-sounding words: Magna Charta, Habeas Corpus, revolution, government, and constitution, are words upon which almost every one now-a-days can ring an infinite number and series of changes without knowing what they mean. I do not take upon myself to define, with any distinctness, those complex terms, but it is my duty to inquire a little what they mean. The object of these miserable beings was, it is said, to overthrow the constitution—a constitution composed of what? A monarchy that has endured all the shocks of ten centuries—a constitution composed of a king encompassed with all his mighty prerogatives, which the law and the wisdom of ages have thought fit to appoint to him—a House of Peers, consisting of all that, in the first degree, is great and dignified and wealthy in the realm—a House of Commons, composed of almost all that remains, or a great portion of what remains, of this great community as far as subjects can be distinguished for wealth, or influence, or power—an army more numerous and as loyal as any king of England had ever the good fortune to command—a navy equally great, equally powerful, and equally loyal—a dominion circumscribing nearly the whole earth, for such is now the extent of the realm of the king of England—consisting too of all that imports the administration of justice, comprising the independence and the integrity of the learned judges of England, now so secure from all distrust or suspicion, that, for the last century, no question or doubt could ever arise upon that subject—consisting, gentlemen, as a vital part of that constitution, of the trial by jury—consisting, as another vital part of the constitution, of that blessed statute of Edward 3rd, called the statute of treasons. These, and a thousand other things, go to the composition of this multifarious thing which we call the constitution. Did the prisoners intend to pull down this mighty instrument of power? Did they intend to overthrow all that I have represented to you? Had they the means of doing so.

But it is said they intended to overthrow the government: what the government is, as contradistinguished from the constitution, it is no easy matter to define; the constitution I can consider as nothing else but the law itself, embodied in our vast and extensive establishments in church and state; these form the body, and the law the soul of the constitution, whereof the government is an integral and inseparable part, by which all its operations are actuated and moved; did they mean what is called the executive government? that consists of the king and his army and his navy, and his sheriffs, and his justices of the peace, and the administration of justice in general; all this, it is said by the prosecutors, this miserable stone-cutter was to overthrow; that was his object; why, then, gentlemen,

can you, upon the evidence before you, lay your hands upon your hearts and say that the prosecutors have proved to your satisfaction (for that they must do before you can convict this man) that this was a civil war? that they have proved to your satisfaction that his object was to subvert and overthrow all these ancient and mighty institutions which I have endeavoured to present to you? Let us see, rather, whether their offence was not one of a very different character: the law of England never seems to me to have contemplated the possibility of a handful of miserable hungry paupers making civil war: it is a perversion, I had almost said (I hope I shall be forgiven the expression) of common sense. What is a riot? a riot I conceive is this, that if a number of poor impotent men are clamouring about some grievances, real or imaginary, and upon petitioning, they find no redress, and assemble themselves in multitudes together, and by assembly endeavour to put themselves into an attitude of defiance and intimidation, in order to obtain their end; that I conceive to be a riot. The statute law of England will bear me out in that conception of the crime, and I must beg leave (painful as it is to me, to repeat these things) to call your attention to an act of parliament that was passed upon this subject of riots so long ago as the first year of queen Mary, which was about the year 1553, above two hundred and twenty years ago. It was then found, as it is in these times, that the lower orders of people will have their grievances, real or imaginary; they will assemble for the purpose of exciting an intimidation; they will assemble for the purpose of convincing persons high in power that they have some strength of their own, a proceeding which I have no thought of justifying; but it is the nature of men in all ages so to do; the wisdom of our ancestors provided for the case, and by the statute to which I am now taking leave to call your attention, it is enacted, "that if any persons to the number of twelve, or more, being assembled together, shall intend, go about, practice, or put in use with force and arms, unlawfully and of their own authority to change any laws made for religion by authority of parliament standing in force, or any other laws or statutes of this realm, and being commanded by the sheriff, a justice of the peace, a mayor or other officer, by proclamation in the queen's name, to repair to their houses, shall continue together by the space of one whole hour after such proclamation, or shall in a forcible and riotous manner attempt to do or put in use any of the things aforesaid, that shall be adjudged felony," not high treason. That act of parliament continued in force throughout the short reign of that queen, and through the whole of the long reign of queen Elizabeth, but it expired in the year 1603, and it was never revived till the year 1714, when a statute, which you may have often heard of, called the Riot act, was passed, upon the accession of the present royal family. But

in that interval of a hundred years, from 1603 to 1714, for want of a Riot act, many attempts were made to consider all riots for general purposes, as it is called, high treason; but for now a hundred years past, during which time the Riot act has existed, that doctrine has been altogether dormant, and I had hoped, dead.

It has been stated, that a riot for a general purpose is high treason; that is an attempt to define what is meant by making war against the king, in the statute of king Edward: in attempting to define it, our law writers, who, like ourselves, had happily few opportunities of seeing the law put in practice upon these subjects, tell us, that if a riot be for a general purpose, it is then war. What a general purpose is, seems to be of all things the most indefinite—a general purpose—instances also are put as to what is to constitute a general purpose, till at last by an artificial process of reasoning and defining, I had conceived that the doctrine of the courts of law had very much overstepped the fair interpretation and distinct meaning of the statute of king Edward 3rd; but upon that subject I beg to be spared making further observations, because I think it best for the interest of my client and my own duty, to confine your attention to that which the law of England has deemed a riot.

In the year 1714, then, another act of parliament was passed, which I have said is that denominated the Riot act. You see the former act of queen Mary expressly puts the case of an assembling by force and arms to alter the laws; that is what is called a riot in that statute: if it was high treason, then the legislature of that day was guilty of gross absurdity; why did not the learned peers of parliament, the learned lawyers in the House of Commons, get up and say, "There is no occasion for such an act of parliament; it is high treason, it is a constructive levying of war, and therefore no act of parliament need be passed?" yet of such importance was that statute which made a riot to alter the laws by force and arms a felony, that the first parliament in the reign of queen Elizabeth thought it necessary to continue that statute, and it was continued for the life of that queen.

In pursuance of that notion of a riot, we have the statute of the 1st George 1st which is intitled, "An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters:" and it recites, "That whereas of late, many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his majesty's person and government, and the same are yet continued and fomented"—fomented how?—"by persons disaffected to his majesty, presuming so to do, for that the punishments provided by the laws now in being, are not adequate to such heinous offences." Yes, they were abundantly adequate, for a riot for a general purpose was a constructive levying of war, and therefore there was no necessity for

this statute of the 1st George 1st; but the legislature expressly says, "that the laws now in being are not adequate to the punishment of such heinous offences; and by such rioters his majesty," and who else? "and his administration, have been most maliciously and falsely traduced with an intent to raise divisions, and to alienate the affections of the people from his majesty." These were the reasons for the passing of this celebrated statute, which as much as the more celebrated statute of Edward 3rd seems to me to be a vital part of the constitution. Then it proceeds to enact—"That if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, and being required or commanded by any justice of the peace, or by the sheriff of the county, or his under sheriff, or by the mayor, bailiff or bailiffs, or other head officer or justice of the peace of any city or other place, by proclamation to be made in the king's name, in the form prescribed in that act, directed to disperse themselves and peaceably to depart to their habitations, or to their lawful business, shall to the number of twelve or more, notwithstanding such proclamation, unlawfully, riotously, and tumultuously remain or continue together by the space of one hour after such command, that shall be adjudged felony without benefit of clergy." So that you see the law of England ages ago, commiserating the wrong-headedness of the lower orders of people, aware that now and then when they felt the pressure of any particular grievance, they would assemble in multitudes and violate the law, in great mercy to the subject, provided through the wisdom of the legislature, that no man's life should be in peril for such proceedings, unless he neglected the caution of a justice a full hour; then, and not till then, is his life forfeited to the offended laws of his country.

Was not this such a case? can you contemplate it in any other light? was it not a riot within the meaning of the legislature? was it not a riot within your own common sense and understanding of the matter? A number, some employed and some unemployed, of discontented labourers and artizans, feeling themselves distressed and aggrieved, as they thought, from some public causes, which it does not appear they have ever been able themselves to define, were discontented, and they wanted relief; and what was it they called for? they called, you hear from one of the witnesses, for "altered times, and a bigger loaf." Now these are things intelligible to our understandings, and were probably intelligible to theirs; it requires no great stretch of capacity to know a great loaf from a small one, and therefore I can well conceive that that was one of the definite and distinct objects which they had in view. Another witness states to you, that when he declared to the prisoner at the bar, in very strong and very proper terms undoubt-

edly, for which he deserves to be much praised, "I will not stir from my own house with you till I know what you are about," why, when the question was put home to them in that way, they did not know well what they were about, but one answer given to him was, why, "we want to wipe off the national debt and begin again." However foolish and however atrocious such a thought, yet surely it comes far, very far short of that which is imputed to the prisoner and his associates, namely, an intention to overturn the stupendous fabric of the constitution.

You recollect, throughout the whole tissue of the evidence, there were foolish words coming first from one man concerned in these outrages, and then another—different declarations; suppose one says, we oppose the government—if one utters such a declaration it may be some evidence of a design to overturn the government, but it is not an actual intent to overturn the government; and you will permit me to say, you ought to interpret the words men use in the hurry of conversation with fairness and indulgence and consideration, whether they were words of folly and anger, or words showing a deliberate intention; oppose the government! many think they have a right to do so; I do not mean to say I am one; I mean oppose the government in the way the law justifies—find fault with its measures; they might have that intent; we cannot tell distinctly what they meant, but when they talk of opposing, you have it from two witnesses, and only those two who have represented it to be an overturning of the government. A man of the name of Martin was first called before you to represent what were the intentions of the prisoner at the bar, as far as he could collect them, in a conversation on the Sunday, and he described to you the leader of these persons sitting in a public-house, dealing out his orders, and exercising his authority amongst them, and that he himself being sworn in on the day before as a special constable, and having taken a solemn oath to execute his office of constable to the best of his skill and judgment until out of that office, he was duly discharged, he has the impudence to come, in the face of a jury of the county, and tell them that he heard the overthrow of the constitution and government of the country in a public ale-house, in open day, accessible to all the world, proclaimed and avowed; that he sat for six hours hearing it, thinking it of no consequence; and swearing upon his solemn oath before you, that he thought it no part of his duty to divulge this to his master at the iron works, or to any justice in the country. Will you believe such a man? will you find high treason in the county of Derby upon such evidence as that? will you condemn this unfortunate man, and his four-and-thirty associates upon such evidence, which is not sufficient to convict a man of petty larceny?

Such is the evidence of Martin. You have had the evidence also of a man of the name of

Asbury, who was to agree with him in the story he told about the substitution of the word overthrow, for oppose; he recited to you some lines which he stated to have been repeated at that time, and which, no doubt, were a part of others which were contained in the same paper, whatever it was; but these witnesses have thought fit to pluck the sting, as it were, out of that paper, and to leave all the inoffensive parts of it behind, and to tell you, that though they had each of them a copy of this obnoxious paper, I think, in their possession, they did not think fit, either of them, to produce that paper; but, even then, you find that they were clamouring for bread, and that that was the principal thing of which they talked; it was the only thing they had in distinct view, and that as to the government and constitution of the country, you must believe as I do, that they had no distinct and clear conception what it meant.

What, then, is this war and this intention to overturn the constitution that is imputed to these defendants? they assemble at eight o'clock on Monday evening; their numbers accumulate with the absurd preparations I have described to you; that which might have been a riot (and one of a most serious nature it was undoubtedly) for which the lives of these persons would have been justly forfeited to the law, if they had continued in defiance of the proclamation of a justice of the peace to remain embodied for an hour—that offence, I say, they came short of, because, without the intervention of a justice, or an officer of the army, or a soldier, they did, of their own accord, disperse; that is the whole history of this transaction.

With regard, then, to their intention to overturn such a constitution as I have endeavoured to describe to you, these miserable beings might as well have conspired to pluck the sun from the firmament: it was a matter as much within their reach as to overturn the constitution and government of their country; do not, then, I conjure you, let us be dismayed by those high sounding words which have been brought into this prosecution; do not let us be persuaded that because we are not here at the assizes transacting the ordinary business of the county, but that we have four of the learned judges from Westminster Hall, and that we have the attorney and solicitor-general to make war against these poor miserable creatures, that therefore it must be an offence of a different description from those which fall under the usual administration of justice; do not, I conjure you, mistake this empty sounding of a drum for the convulsions of an earthquake that must sink and overwhelm us all in one common ruin.

It appears from the whole of this evidence, that the state was never in the least danger, that the government and constitution stand untouched and unimpaired by any of those disgraceful mobs which have taken place in this or in any other county; do not let us suppose

that because some of the ignorant and illiterate wretches concerned in those outrages were foolish enough to tell each other as they went along the highway, there were twenty or five and twenty thousand coming from Sheffield, there will be many hundred thousands at Nottingham, and the keys of the Tower will be surrendered up, that there was any thing in it. Do not let it be supposed, because such things happen to be mentioned by an ignorant, stupid, and wicked man in the crowd—do not let us suppose that our liberties were in any danger because a drunken fool mentioned such a thing as that, which had no foundation either in reason or in probability.

With this view of the transactions of that night, I have felt it my duty to present myself before you, and to endeavour to satisfy you of that of which, in my own conscience, I am perfectly satisfied: that however wicked, however atrocious, however culpable, and however well meriting severe chastisement, these unfortunate persons have happily come short of the dreadful crime of high treason. I again say to you, I am not going to controvert the evidence, but if you in your consciences are not satisfied that this evidence makes out a case of high treason, if you are not satisfied that it was a civil war, if, above all, you are not satisfied that this unfortunate man had a distinct, clear object in view, and that he acted upon it, then, in the language of the solicitor-general, I hope you will acquit the prisoner at the bar. The ordinary laws of the country are still suspended over him; the attorney-general, if you should be of opinion that this does not amount to high treason, may, if in the exercise of his discretion and his sense of public duty he shall think fit, prefer a bill of indictment to the grand jury for the offence of riot; the law is still open to him to take that course: and, gentlemen, one word for all, permit me merely to say this, that if in balancing the nice question of civil war or riot, the question hangs doubtful with you, I submit that the prisoner is entitled to have that doubt solved in his favour. I know it is a difficult thing to define the boundaries between riot and war; I do not attempt it; it has been well said, that no man can define the boundaries between day and night, but there is no difficulty in distinguishing between light and darkness; and it has been always the practice, in a trial for burglary, for instance, which you know is the offence of breaking into a house in the night time, with an intent of committing felony (which, if a man do, his life is forfeited), but if the offence be committed upon the confines of light and darkness, I have never yet heard a learned judge try a man under such circumstances, who has not said, it does not appear clearly to have been done in the night, and therefore you will acquit the prisoner of the capital part of the charge. But, if there is any difficulty in distinguishing between the alternations of light which occur twice in twenty-four hours, and in deciding upon those questions, how much more difficult is a case

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like this, where not above once or twice in a century it becomes necessary to make the distinction. I conjure you, then, to take into your serious and dispassionate consideration the condition of these misguided and deluded men; that they were misguided and deluded by the most execrable means; when in the want of food through want of employment, the opportunity was taken to exasperate their minds, and to persuade them that all their grievances arose from public and political causes; to take into consideration how natural, though how wrong, it was in these men, to assemble in order to remove their grievances, when they had been persuaded that if those grievances could be removed, peace, happiness, and prosperity would be restored to them. They were mistaken; they were foolish; the law has provided sufficiently for their crime by another course of proceeding, and to that course of proceeding I most seriously conjure you to consign the offenders.

EVIDENCE FOR THE PRISONER. *

William Taylor sworn.—Examined by
Mr. Denman.

Where do you live?—At South-wingsfield.

What business do you follow?—A farmer.

Do you know the prisoner, William Turner?

—Yes, very well; I have known him for these three and thirty years.

What character, during that time, has he borne as a peaceable and loyal man?—I never knew any other by him, for a true and a loyal man.

Mr. Denman.—Now, my lord, I would state that I mean to ask him whether he has borne the character of a humane man; because I think, under the circumstances, that question may not be inapplicable.

Lord Chief Baron *Richards*.—Go on.

Mr. Denman.—In your judgment, and according to his character, has he borne the character of a humane man?—Yes, until this happened.

I ask you as to his character before this happened?—Yes.

Do you know of his having been a soldier?—Yes; I know when he came back from soldiering he was particularly loyal, and disagreed with any man that said any thing against government.

He has borne that character, you say, till this unfortunate affair?—Yes.

His parents are living?—Oh, yes.

John Barton sworn.—Examined by
Mr. Cross.

How long have you known the prisoner at the bar?—Perfectly well for ten or twelve years.

During that time has he behaved himself as a loyal subject?—For every thing that ever I knew or heard.

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Until this matter happened?—Yes.

James Armstrong sworn.—Examined by
Mr. Denman.

What are you?—A frame-work knitter.

Where do you live?—In the parish of South-
wingfield.

Do you know the prisoner, William Turner?
—Yes.

How long have you known him?—From a
child.

Have you known his parents?—Both of
them.

Do you know what character he has borne
as a loyal, peaceable, and humane man?—
Yes.

Has he borne a good character upon those
points?—A particularly good character.

Mr. Denman.—Gentlemen of the jury.—In
rising to discharge the duty which is now im-
posed upon me, I shall follow the example of
my learned friend, and earnestly entreat you
to dismiss from your minds not only all that
mass of prejudice which has been so long ac-
cumulating against all these prisoners; not only
the partial and garbled statements which you
may possibly have seen in circulation against
them; but also all that you have heard of what
was proved in the course of the former trial:
for whatever difference of opinion may
exist on other points, I certainly shall en-
counter no contradiction in any quarter when I
take the liberty of stating, that it is your
bounden duty to try this prisoner upon that
charge alone which is brought against him,
and upon that evidence alone which he has had
an opportunity of hearing and of contradicting.
You will recollect that he is not now accused
of riot or of outrage—of taking arms from per-
sons unwilling to yield them—or of acts of
menace and assault; such charges may be pre-
ferred hereafter; but he now stands indicted
for the highest crime which a subject is capable
of committing, high treason against the state:
a crime founded in the corrupt heart of the
man, in withdrawing the allegiance and fidelity
that are due to his sovereign, and in en-
deavouring to subvert that government to
which he owes protection, and which he ought
to obey.

It has been frequently observed to you on
this occasion, that the crime of high treason in-
volves every other crime: and indeed it seems
as if every other crime was to be established
in evidence against this prisoner. I might re-
peat the observation of my learned friend (Mr.
Cross) that a long detail has been gone into
without necessity, in order to elucidate facts
that were already sufficiently clear, and could
not have been disputed; I will not say for the
purpose—but which I think could only have
the effect—of exciting that prejudice against the
prisoner, for other parts of his conduct, which
it is your peculiar duty to dismiss from your
minds. I may presently enlarge on this ob-
servation; I advance it now for the purpose of
confining your attention to the specific charge

before you, exclusively pointed to the crime of
high treason, and preferred against the priso-
ner, William Turner, now standing alone upon
his deliverance.

My learned friend has likewise anticipated
me in another topic; although we did not hap-
pen to converse upon that particular subject,
he has expressed precisely the feeling by which
I was weighed down on the former trial. I
then was but too sensible how much it was in-
vain to entreat those whom I addressed to dis-
card from their minds that prejudice which
overwhelmed my own, and rendered me in-
capable of doing justice to an unfortunate
client to the full extent of my slender abilities.
I do congratulate myself that my mind can
approach the present investigation, relieved
from that heavy load by which it was oppress-
ed and disabled. I am further consoled by
having now an opportunity of stating, that,
from a state of perturbation of mind, which I
believe that prisoner himself would not have
felt if he had been making his own defence, I
have great reason to fear that many of my ex-
pressions may have been coarse, abrupt, and
ill-considered; and though, in point of sub-
stance, I am not disposed to retract a syllable
of what I then advanced, I fear that in point
of manner there had been a want of that re-
spect due to every court of justice, and pecu-
liarly so to the venerable individuals who pre-
side upon this occasion. I am therefore eager
to declare, that in doing my best to bring the
law of the case before you, in the fair discharge
of my duty as an advocate, I never ceased to
be actuated by the purest feelings of respect
for those presiding in this Court; and indeed
I should have thought a more formal disclaimer
or apology, as to any supposed reflection upon
them, would have borne upon it rather the ap-
pearance of an affront, because the circum-
stances to which I referred, and the characters
of which I spoke, were so utterly dissimilar,
that the apology would have given a semblance
of approximation which could not otherwise
be supposed to exist.

I must also be permitted to express a hope,
that, if in the course of this inquiry I should
express myself with the earnestness of convic-
tion, and perhaps with the zeal and eagerness
of one who is defending a fellow-subject and a
human creature from the heaviest of charges,
to be followed, if proved, by the most severe
and dreadful of punishments—if I should hap-
pen to be betrayed into some warmth of feel-
ing, and some agitation may find its way into
my expressions, I hope it will not be consider-
ed that I am arrogantly setting myself in com-
petition with my learned and distinguished
friends, whom I know to be my superiors in
every talent which can give value to the office
I am executing, and for whom I also feel the
greatest personal respect. But I must at the
same time qualify this observation, by adding,
that if any great credit is to be taken on the
part of the crown for very extraordinary candour
in the conduct of this prosecution, and for

a wish to bring the case to a peculiarly impartial and indifferent trial, I do not think the crown has been happy in the measures it has pursued for the purpose of evincing that candour and that equity. When I cast my eyes around this table, and see the formidable and extraordinary array that is here brought against the prisoners, I cannot help asking whether in this place, where you and I are in the habit of seeing the law administered in its ordinary forms, full justice might not have been done to any inquiry, by the talents and learning and experience of those whose duty in that ordinary course of proceeding it would have been, to lay the case before you. You must be aware that I allude to those whom I will venture to call the great men of my own circuit; and if there was so very strong a desire of bringing this case with impartiality before a jury, I should be glad to know why it was necessary to bring down the great state officers whom you have heard upon both these occasions. I should be glad to know—and I am sure I speak it without any invidious feeling, for I must feel pleasure in seeing my learned friends on whatever occasion—why it could be necessary for the fairness of the investigation to add to four or five of the first men upon this circuit the eminent and conspicuous names of my learned friends Mr. Gurney and Mr. Richardson—above all, I beg to inquire on what principle of fairness these unfortunate prisoners were deprived of that bulwark which they would have found in the talents, the zeal, the eloquence, and the useful experience of my learned and excellent friend Mr. Sergeant Copley?—why was he to be brought for the first time into the service of the Treasury, for the prosecution of persons so insignificant?—why, but because he had been the victorious champion of the rights and liberties of the subject upon a former occasion, and therefore was now to be silenced, and prevented from rendering the same services to those who stood so peculiarly in need of his assistance?—If the prosecutors had wished to avail themselves of his commanding eloquence—if they had been disposed to rely on his admirable judgment, I should not have wondered at the selection: but you have scarcely heard his voice—he has sat a mute spectator—he has hardly examined a witness—he has not said a single word in the way of speech; and as to that superior judgment which all who are acquainted with my learned friend know him to possess, I have every reason to believe, that if his judgment had been consulted, this cause, or at least this apparatus, would never have been exhibited before you.

I do not at present pursue the remarks I just now made with respect to the mixing up of other facts with that which now demands your consideration; but I pledge myself to resume it when I come to observe upon the evidence, and I trust I shall satisfy your minds entirely upon that subject. But in the first place it is absolutely necessary that, with all deference

and humility, but at the same time with that confidence which no reasoning being can avoid feeling in the conclusions of his own judgment when it has been seriously and deliberately exercised on any point of inquiry, that I should freely lay before you what I consider to be the law of this case. And here I must repeat what I said on the last trial, my learned friend the solicitor-general, like his learned leader on Friday last, has scarcely entered into the slightest explanation of the law: he has scarcely referred to a single authority, but has contented himself with informing you in general though very remarkable terms, that this prisoner is charged with levying war, and that the nature of that charge is not confined to that which the language of the act of parliament may at first seem to import—those are his words—that the nature of the charge is not confined to that which the language of the act of parliament may at first seem to import. The language then of the act is to be extended to something which it may not seem at first to import; it is thus that the solicitor-general opened his short statement of the law.

Now, with respect to the act of parliament of which he spoke thus, I will venture to say, that all judges, all jurymen, all counsel, all Englishmen, should approach it with the utmost caution and reverence. The object of its enactment is expressly stated in its preamble—to exclude construction of law, and to confine the charge of high treason to the specific language employed in the body of the act. That language is most distinct; it is most peculiarly distinct; there is not a single charge among all those which constitute the several branches of high treason, which is not expressed in terms which he who runs may read and understand. The counterfeiting the king's seal or coin, the compassing the king's death, and shewing that design by an overt act, the destroying a privy councillor, or a judge, in the execution of his office, all those descriptions of crime are as clear as any the English language could possibly have furnished. I submit to you, gentlemen, that the expression of levying war against the king, equally intelligible in those times, equally intelligible in all times, is to be considered in precisely the same manner. In speaking of the object of that act of parliament, my lord Hale says, quoting, indeed, the act itself, that in consequence of the judges having proceeded beyond the law in making treason by construction, that therefore, for that reason, to prevent similar constructions from operating in future to the prejudice of the subject, and introducing an indefinite law upon that most important crime, the king and his parliament proceed to declare what the law is, and what it shall continue to be. My learned friend (Mr. Cross) truly observed, that the statute of Edward 3rd is a part of the constitution of the country: and I will add, that it is the corner-stone of the constitution, and cannot be removed without endangering the whole fabric of our liberties.

The preamble having declared that to be the ground upon which the king, lords, and commons determined to enact the law, I cannot help saying, that in my humble judgment it was the sacred duty of courts of justice to abstain from adding anything to its positive expressions, and the courts appear to have been impressed with the same conviction long after the passing of the act. For no less a time than two hundred years, no attempt seems to have been made to extend it beyond its letter. The first decision which affects to carry the act, by construction, beyond its express terms, occurs in the reign of Henry 8th at the distance of two centuries from its enactment. That decision imported that an insurrection for the purpose of enhancing the wages of labour should be considered a levying of war against the king in his realm. Gentlemen, you will not fail to observe, that if the act of parliament had meant to make that particular offence high treason, it would have been extremely easy for those who have expressed themselves so clearly and so well, to have stated that also as one of the crimes to which the name of treason was to be assigned. If, on the other hand, a more general description of crime was contemplated, and it was intended that all insurrections for a general purpose were from that time to be deemed treason, it would have been extremely easy to have introduced those more general terms as descriptive of the crime they meant to denounce. But neither of these things was done by the legislature, they neither declared that particular act to be high treason, nor provided that all the acts falling under such a general designation should be high treason. The words of the statute are "levying war against the king in his realm."

Now, gentlemen, in the reign of Edward 6th, the reign immediately following that of Henry 8th, in which that decision took place, the first Riot act was passed. You will see in what terms a riot is defined by the framers of the act of Edward 6th, perfectly acquainted as they were, both with the statute of Edward 3rd and with the decision in the time of Henry 8th. The act of Edward 6th prescribes "that if twelve or more persons being assembled together shall intend, go about, practice, or put in use, with force and arms to alter the established religion, or any law:"—in that case, under certain circumstances, and after standing out with a particular degree of obstinacy, they shall become guilty of the crime of high treason. Upon this enactment the question arises which has been put again and again, and, I protest, has never yet been answered to the satisfaction of my reason: if meeting with force in numbers to alter the law was, under all circumstances, made treason by the statute of Edward 3rd, how could it be necessary to declare it so, with certain qualifications, by the statute of Edward 6th. To me it appears to admit of no answer, but should any be attempted, you will judge of its sufficiency. I am aware that the solicitor-general, on the

trial of James Watson, as well as to the course of these present proceedings, maintained that the Riot acts had made no alteration in the law of treason, and so endeavoured to remove the objection. But admitting that the Riot acts made no alteration in the law of treason, so far from countervailing my argument, that proposition is a part of it. I also maintain that they have made no alteration in the law of treason—that the law of treason was the same before as now: it was the same when the statute of Edward 3rd passed as it is at the distance of five hundred years. Then, if it was the law that such an assemblage as is described in the act of Edward 6th was high treason within the statute of Edward 3rd, why make a new statute, treating it as a mere riot up to a certain point, and then, for the first time, enacting that it should thereafter be treason, if the rioters remained together for an hour, and refused to disperse on proclamation?

That statute of Edward 6th was repealed in the first year of queen Mary's reign; and the same kind of tumultuous proceedings which had been visited with the penalties of treason in the case specified, were, by a new act, subjected to the penalties of felony alone. This was the punishment incurred by persons remaining together assembled in numbers for the space of more than an hour after proclamation read, for the purpose of altering with force and arms the religion, or the existing law of the land.—Is not that a general purpose? Is not that a description of the very conduct imputed to these men? I can discover no possibility of distinguishing the facts; and the law being the same as it ever was, it could not be then, nor can it now be, treason, as a levying of war under the statute of Edward 3rd, to assemble in the manner charged against these prisoners; because, if it were, it would not have been declared treason, under certain circumstances, by the statute of Edward 6th, and felony, under the same circumstances, by the statute of Mary.

That act, gentlemen, was again revived in the time of George 1st. My learned friend, Mr. Cross, read to you the preamble, reciting, that rebellious riots were to be quelled, that all assemblages, drawn together for the purpose of alienating the affections of the people from the king, were to be punished and suppressed. Their punishment is very nearly the same, and under the same conditions, as in the act passed in the reign of queen Mary. Then, I contend, that this offence has received as direct a definition in the laws of riot, from time to time enacted, as the offence of treason itself received from the ancient and sacred statute already cited, under which this indictment is framed.

My learned friend, as I have remarked, opened his case so very generally, that he hardly gave me a position to contend with. I see now a mass of learned volumes brought here to be used in the reply, when the attorney-general

neral will, as he has a right to do on the part of the crown, address you last. I know not what books he will produce; but I am well aware that he will be enabled to refer to certain decisions inconsistent with the principles I have urged; and such decisions, I doubt not, will be industriously laid before you. You will form your own opinion: but if, in the result, you shall find yourselves brought to this pass, that between two inconsistent propositions, laid down by equal authority, you are compelled to make your election, you will not hesitate to elect that which is most consonant to reason, to principle, to the great origin of all authority in those who sit here, or elsewhere, for the trial of offences; I mean, to the imperial parliament of this realm, which, in the reign of Edward 3rd declared there should be no extension of the strict statute it enacted; but that, on the contrary, if any new case occurred, it should be submitted to the consideration of the king in parliament, and should not be decided by the judges in their courts of law.

I am happy when it is in my power to agree with anything which falls from my learned friends: and I do most cordially agree in all they have said in praise of the constitution of England, and in gratitude to that great and glorious revolution from which that constitution takes its origin. To that revolution we are indebted for blessings which it is impossible to enumerate: we are indebted to it, not only for its immediate consequences, and all the positive beneficial changes it brought about, but for that liberality of sentiment—for that quick sense of public spirit—for that English feeling—which, I trust, pervades the hearts of you all; which we have seen, I think, nobly exhibited in the conduct of most of the witnesses on this trial; which is the great security for all that is valuable in our public institutions; which has raised this country, in spite of its smallness and its remote situation, almost to the empire of the world; which gained the battles of Waterloo and Trafalgar; and which, deriving its birth from our free constitution, will, while it remains unimpaired, preserve that constitution to our latest posterity.—We are all, in our turns—in our several stations and offices—the guardians of that constitution; but I doubt whether there is any situation in which we have the opportunity of rendering it such important services as when we are fulfilling that duty which now devolves upon you, in trying the cause of a friendless prisoner, brought before you by the state, on a prosecution for high treason.

The legislature, by which the advantages of the Revolution of 1688 were secured to us, justly jealous of the anxiety of the state in conducting prosecutions for high treason, among other important privileges, conferred upon the prisoner the right of knowing the jury by whom he is to be tried. The law requires, that he shall be furnished with a list of the freeholders summoned, and gives him time to in-

quire as to their character, their principles, and their understandings; he has the privilege of challenging those to whom he has the least objection, and thus possesses, to a certain degree, the liberty of selecting those to whose honour his life and his character are to be confided.

By another important alteration, produced by the revolution—and this, perhaps, is the greatest and most beneficial of them all, for it pervades all classes of society, and promotes the happiness and security of men in all their relations—the judges were made independent of the crown, and placed upon that footing of integrity upon which they so proudly stand.—I have no difficulty in telling you it was high time that reform should be made. For several years—I might say for centuries preceding the revolution—there is hardly a state trial of any description which a lawyer can read without blushing. He finds there recorded the degradation of an honourable profession, which I trust has since redeemed its character: he reads of the base subserviency to the crown of those juries who were pleased as the grand bulwark for the people, and of the corrupt complaisance of judges who ought to have protected the accused.—The infamous conduct of Jeffries and Scroggs (for we might trace down the pedigree from the days of Treilian to the very moment of the revolution) sheds such disgrace and horror over the early state trials, that, when I rise from perusing that bloody catalogue of unjust attainders, most of which have been reversed by act of parliament—when I turn from that register of iniquity and shame, and find myself in the nineteenth century, surrounded by judges such as those I now see presiding, and facing such a jury as I have now the happiness to address—it seems like emerging from the darkness of an infected charnel-house, to greet the blessed light of heaven, and breathe the pure air by which life is sustained.—Before the Revolution no man was safe, however innocent, who came into court at the instance of the crown. He was exposed to opprobrious revilings from the attorney-general; he was brow-beaten by the court in attempting to defend his life; his witnesses durst not appear, or appeared only to be insulted and abused; the province of the jury was constantly invaded, and if they ventured to say “Not Guilty” where the court wished to convict, they were either fined or sent to gaol for daring to form their own judgment upon their own oath.—Such is literally the judicial history of those times; and then it was that the law of Edward 3rd so salutary, so beneficial, and so plain—received those constructions of which I still dispute the legality.

From the Revolution to the present time, there is but a single case in which that law of constructive treason has been carried into effect, I allude to the case of Dammaree and Purchase; both in the humblest condition of life, the one a waterman and the other a porter, who went about the streets with a party who were supposed to wish to turn out the Protestant Soc-

cession, and to introduce the Pretender;—friends of legitimacy, but enemies of loyalty. Their cry was in favour of Dr. Sacheverell, “down with the meeting-houses;” the Dissenters being friendly to the Protestant Succession and the existing government, while the church of England was, in general, averse to it. These two persons were, by the law of constructive treason, deemed guilty of levying war against the king, but neither of them was executed. However, I give my learned friends the full benefit of that case, for most certainly the judges considered themselves bound by precedents to pronounce them guilty.

On the trial of lord George Gordon, some allusion was made to that case, and I remember the expression of lord Mansfield, and dare say the attorney-general will recollect it too. Speaking to the jury on this doctrine, his lordship says, however extraordinary it may appear to your ears, it is founded in strong reason, if their object is, to destroy a thing bad in itself, though not permitted them to destroy, as in an insurrection to destroy all bawdy-houses, it is high treason. Lord Mansfield himself was, therefore, struck with this constructive treason, as something extraordinary; but, he adds in justification of it, that it is founded in strong reason.

It may be founded, perhaps, in strong reason, and powerful arguments might be urged for making it the law of the land; but the question in a court of justice is, whether it is the law of the land, and whether the statute of Edward 3rd so capable of expressing all it projected, would not have expressed that, if it had intended that it should be the law. You will not forget, that upon that statute alone we are now brought here before you, the other two charges are, in a great degree, nominal, they resolve themselves into the first, and if that first is not made out, they also must fall to the ground.

Why did the judges decide that case of *Dammaree* and *Purchase* as they did? For no other reason than that other cases had been decided previously to the Revolution, and in the times I have feebly attempted to describe, in direct hostility to the principle for which I now contend. They proceeded upon the authority of *Benstead's* case, which Mr. Justice Foster declares not to be law as it is reported; nor can it be law, unless a privy councillor can be identified with the king, for the law declares that levying war against the king shall be treason, and that was levying war only against archbishop Laud. That case was decided when the judges were very far from being what judges ought to be, and are now, in the reign of that unhappy and arbitrary monarch Charles 1st, and just before the period when his people, goaded by oppression, rose in arms against him. It is not a little remarkable, that the archbishop, in a very few years, himself fell a victim to that very constructive treason which was so extended for his protection. That case was probably an extremely aggravated

assault, and there were laws by which the outrage might have been punished; but when I see these improper proceedings stigmatised as high treason, I cannot help agreeing with Mr. Justice Foster, that in reason, in sense, and in law, they might have been as correctly designated by any other name.

Shall I be told by the attorney-general that I am inconsistent; at one time eulogising the arguments of Mr. Justice Foster, and at another depreciating his authority? I entertain for his character the highest respect; yet I must be allowed to observe, that the discourses composed by him are not to be placed on a level with the decisions of a judge upon the bench pronouncing upon oath on the lives and liberties of his fellow subjects when properly brought before him; and this is my observation: Mr. Justice Foster has sanctioned a constructive treason, which I humbly contend the written law of the land expressly prohibits. I argue that he has gone too far; but if he, who has gone too far, admits the viciousness of one authority, on which the only respectable decision is founded, surely there is no fallacy in my claiming that this particular opinion of Mr. Justice Foster may be taken against his general principle. There is no shadow of inconsistency in asserting that even Mr. Justice Foster, whose error consists in going beyond the statute, has stopped short however of that particular case, and has therefore divested his doctrine of any support which it could have derived from its authority.

Let us proceed then to inquire on what other authority the case of *Dammaree* and *Purchase* was founded. It was founded upon that extraordinary case in the reign of Charles 2nd in which a number of apprentices meeting in London to destroy houses of ill fame, were considered guilty of high treason for renouncing their natural allegiance, and levying war against the king. I shall content myself with observing that that case was decided in the reign of Charles 2nd a reign as corrupt and infamous as any which disgraces our annals; polluted with every domestic vice, and degraded by every exercise of tyranny and corruption. In such times the doctrine of constructive treason originated; with them it should have perished.

I adverted to the reign of Charles 1st and stated that the archbishop who had been protected by an illegal extension of the statute, himself fell a victim to the same abuse when a different party came into power. It is singular that lord Strafford, his friend and colleague, was also brought before the House of Lords on a charge of constructive treason. He was tried by his peers for treason not specified by the statute, and though I dare say you have all read the noble pleading by which he defended himself, I will take the liberty of quoting a short extract from it, as forcibly illustrating the evil against which I have struggled. “Better it were to live under no law at all, and by the maxims of cautious prudence to conform ourselves the best we can to the arbitrary will of a

master, than fancy we have a law on which we can rely, and find, at last, that this law shall inflict a punishment precedent to the promulgation, and try us by maxims unheard of till the very moment of the prosecution. If I sail on the Thames and split my vessel on an anchor, in case there be no buoy to give warning, the party shall pay me damages; but if the anchor be marked out, then is the striking on it at my own peril. Where is the mark set upon this crime? Where the token by which I should discover it? it has lain concealed under water—and no human prudence, no human innocence, could save me from the destruction with which I am at present threatened. It is now" he says, "full two hundred and forty years since treasons were defined, and so long has it been since any man was touched to this extent upon this crime before myself; we have lived, my lords, happily to ourselves at home, we have lived gloriously abroad to the world—let us be content with what our fathers have left us, let not our ambition carry us to be more learned than they were in these killing and destructive arts. Great wisdom it will be in your lordships, and just providence for yourselves, for your posterities, for the whole kingdom, to cast from you into the fire these bloody and mysterious volumes of arbitrary and constructive treasons, as the primitive Christians did their books of curious arts; and betake yourselves to the plain letter of the statute, which tells you where the crime is, and points out to you the path by which you may avoid it."

Such, gentlemen, were the observations of my lord Strafford, when he stood a prisoner indicted for constructive treason before the peers of the realm. By his peers he was acquitted: but in the progress of those unfortunate times, when tyranny became law and bore down all before it, when the House of Peers was cleared of much that was honourable, and the king was the mere tool of a party, then contrary to every principle of law, in violation of the first elements of justice, an act of parliament passed after the fact committed, making that fact high treason for the first time. He was condemned by the enactment of a new law, not by the application of any which existed, and that unfortunate nobleman lost his head upon the scaffold. Thus, the history of the law of constructive treason is carried up from lord Strafford's time to the reign of Henry 8th; for in the whole of that interval no similar decision can be found. And with regard to that first decision, from which all the rest have flowed, there is every reason to believe that the legislature, shocked at the length to which the judges had gone, in declaring a rising for the enhancement of wages a levying of war against the king, enacted the statute of Edward 6th for the purpose of preventing a repetition of such constructive extensions of the law.

* 6 Hume 404, ed. 1813; see also 3 How. St. Tr. 1466.

Will it be imputed to me to-day that I charge the crown with a desire to make treasons unheard of before, and that through the medium of a court of justice?—I disclaim any such intention, and admit on the contrary, that constructive treasons have been engrafted on the statute, which in terms proscribes them. But founding myself on that statute, on its object and provisions, and claiming the right to examine the authority on which the adverse decisions rest, I find that all the precedents are drawn from those disgraceful times which we cannot bear to think of, and which we would wish to forget had ever existed.

Having spoken thus largely of the law of Treason in general, I would now beg leave to call your attention to that law, as I think it applicable to the present prisoner. And I may here state a proposition which cannot be denied, that though various persons assemble and are combined in the execution of the same act; still, according to that—humane shall I say, or just?—principle, that every man is to be judged for his own acts, and can be guilty only as his intention is guilty, it is always proper to inquire by what motives they were severally actuated, and what intentions and purposes were entertained by each. It is obviously very possible (and indeed nothing is more easily conceived, than) that where the act done might be justly termed levying war against the king, some of the parties concerned might be guilty of high treason, while others were altogether innocent. I will put a case which seems to illustrate that position. Supposing that in the course of the Rebellion in the year 1745, one of the king's officers had been tampered with by the Pretender, and had led his regiment to attack the king's troops, representing them to be the troops of the enemy, the poor soldiers would have levied war against the king in fact, but not in intention; and while those privy to the design would be guilty of high treason, those who are unconscious of the mischief which their acts produced, were as clear of the crime as the weapon in their hands. Suppose a man to take advantage of a riot in a fair, and that finding a considerable force there assembled he conducts the rioters, who thought of nothing but riot, to commit acts of hostility against the king; that leader would be guilty of treason, while his followers were liable only for a common misdemeanor. I will put one case more, where parties ignorant of the design they were employed to accomplish might incur a lower degree of criminality. Suppose that when parties of the Luddites* were assembled in this and the neighbouring counties for the purpose of breaking frames, any person had formed the design of leading them, not to break frames or houses, but to besiege a fort of the king's, or commit any other act unequivocally directed against the government: in that case it must be granted me, that the leaders were

* See the proceedings under a Special Commission at York, 10 How. Mod. St. Tr. 959.

guilty of high treason, while the rest could be charged only with the precise crime they had in their minds. If that be so, it follows, that in every case the motive of the individual is to be ascertained; the burthen of proof lies always upon those who make the charge, and therefore it by no means follows, because one may be guilty to the blackest possible degree of guilt, that therefore all associated with him must necessarily be guilty in the same, or indeed in any degree.

Let us examine upon this present occasion how the evidence stands. In the first place, it is opened to you by my learned friends, that there had been previous consultations: if that were so, was it not due to the justice of the country—was it not due to the public—and to the prisoner, to throw the fullest light on those consultations? My learned friends have had ample means of gaining every possible information and intelligence; their instructions have been prepared with an acuteness, a sagacity, and a diligence which deserve every praise. They have necessarily commanded all the assistance that could be rendered by the magistracy, and the suspension of the Habeas Corpus act has enabled them to arrest not only such persons against whom charges were preferred, but any one whom, for the safety of the state, it should be thought necessary to examine as to his own history, or that of others. If then there were consultations previous to this Sunday, the 8th of June, and if my learned friends knew there were such consultations, why are they kept behind the curtain and concealed from your sight, who are entitled to know the whole truth? Who attended them?—Who promoted them?—Who and what was he who set the machinery in motion?—Who despatched Brandreth from Nottingham to these country villages to inflame the minds of the peasantry, to delude their understandings, to incite them to acts of outrage and mischief? Gentlemen, there is something hid in mystery; I cannot fathom it, whatever I may conjecture; but I know that at the critical period when this precise act was committed, at whose instigation soever, the legislature was consulting about the suspension of the Habeas Corpus act, and the committee of the House of Lords, who took that subject into consideration, reported* that they had reason to believe, and know, that spies were active throughout the country, and were actively instigating the mischief which in several places was likely to result—that we all know; if I am mistaken I shall be glad to be corrected.

Mr. Attorney General.—My lord, I am very sorry to interrupt my friend, Mr. Denman, but if he means to lay down as a rule, that when those gentlemen are sworn to try this cause by evidence, he is to cite as facts to those gentlemen, resolutions either of the House of Lords or of the House of Commons, let it be recollected that political matters from the House of Lords

and from the House of Commons might according to that principle, be introduced, even on the part of the crown; and I would ask the counsel what they would say to law officers of the Crown who were to attempt to pervert the minds of the jury, by resolutions of either Lords or Commons?—or by any political consideration, so as to influence them beyond the law as laid down by the judges trying, and beyond the facts as proved by the witnesses examined? I stand here (and God forbid I should ever stand for more) for equal justice between the public and the person charged; the rules of evidence are precisely the same as to both sides with respect to what is, or is not to operate upon the minds of the jury who are trying the cause, and sworn to try it only by the evidence—

Mr. Denman.—I beg your pardon—do you object to any thing?

Mr. Attorney General.—I object to your statement as matter of fact upon the general principle, not because I care for what is said upon this particular case.

Mr. Denman.—Then I will waive the subject I was that moment speaking of altogether; I will not more particularly allude to the report of the Lords or the Commons, but I will merely remind you, that previous meetings are said to have existed; that the crown is perfectly aware of those previous meetings and consultations; and that all the evidence on that subject is studiously withheld from your knowledge. The first meeting to which the evidence applies was on Sunday the 8th of June, at the White-horse in Pentridge, where several persons are said to have been assembled, and two persons from the Butterley-works state, that they joined that party. Those are the two first witnesses called for the prosecution, and I ask you with confidence, whether upon their own showing and upon their own description of themselves, you ever saw two witnesses more infamous, more disgraced more self-contradicted, more self-condemned?

If their story be true, they are accomplices to the full extent of the crime that they come to charge upon this prisoner; if it be true that they contributed to send the man to Nottingham to inquire into the state of an expected rising there, and to bring back such information as the wretched villagers were to act upon, they are as guilty as those whose names stand upon this indictment, and their lives are as much forfeited to the law for conspiring to levy war against the king, as any who can be accused of having actually levied it. Gentlemen, I put it plainly to you; they are accomplices not only in these wild and silly schemes for overturning the constitution and subverting the state, but they are accomplices in the projected murder of their masters and benefactors, they stand by while the dagger is pointed at the throats of those to whom they owe subsistence and comfort, and silently allow them to sleep

* See the Report 36 Hans. Parl. Deb. 949.

securely on that dreadful brink of danger. They are more than common traitors, public and private, domestic and political, if their own account is believed.

Standing then in the situation of accomplices (as it is most clear they do) I shall not trouble you with going through the particular questions which they answered in such a way as to destroy all their credit, as when Asbury pretended not to understand my question, whether he subscribed to send the man to Nottingham, and affected to suppose that subscribing meant the same thing as receiving, and more particularly when they swore that they did not know that it was their duty to disclose what they say they witnessed at the public-house. I do not weary you with these particulars, though sufficient to damn an ordinary witness, but I ask how you can believe those accomplices, wholly unconfirmed as they are, in reporting the extraordinary conversations they have detailed. If they had revealed to any magistrate or neighbouring gentlemen the twentieth part of what they have narrated here in evidence, you would have been spared the fatigue of this long proceeding, and the county would have been spared the danger and disgrace of this violation of the public peace. The slightest intimation would have answered the purpose. But they describe themselves as calmly sitting by and listening to language the most alarming, without any further remonstrance than a simple hint that there were constables in the room. Being constables, why did you not communicate to the magistrates what you saw and heard? Mark the answer! We did not go to the magistrates, because we were told if we said any thing we should be crammed up the chimney! Is that a likely story? Could that be their real motive? Could that be the conduct of honest men? But, indeed, to do them justice, they make no pretensions to that character, for they say, that after all they had witnessed, they contributed to the expenses of the messenger to be despatched to Nottingham. Are they perjured in making a false statement, or accomplices and traitors relating the truth? There is no other alternative, and in charity we ought to believe them perjured, and to strike out every particle of the evidence they have given.

Observe, likewise, if they were speaking the truth, how they might have been confirmed by others. John Cope went with the one—he is a witness in the list given in by the crown; John Elsdon went with the other—he is a witness in the list: neither Cope nor Elsdon is here today. You have not even had produced the scrap of a song, out of which the few doggerl verses are extracted, without giving you the whole; and what is kept back might have taken the sting out of that part which was rehearsed. They have not exhibited the map—they have not called a single witness of the thirty or forty said to be in the room, to confirm the suspicious and incredible testimony of two infamous men, who say that they saw a torch laid to their own master's manufactory, with-

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out stirring a finger to remove it. They cannot say the opportunity was wanting, for they worked there the whole of Monday, and must have seen their employers repeatedly. Then how do I account for their evidence? I believe it perjured: I believe that, finding themselves under a charge for attending that Sunday's meeting, where improper things might be talked of, they resolved to screen themselves by telling an exaggerated story of what passed. They admit that they have compared notes of what was to be said. In the long interval that has elapsed they have often conversed together, rehearsing their doggerl verses, and going over every part of their story, to see that their reports tallied. They cannot deny that, even between the two trials, they have been talking over their intended evidence.

These are the only witnesses who affect to state a single syllable on the subject of the designs entertained by William Turner, previous to his joining the unhappy and outrageous party which was led by Brandreth. You have seen that man, you were present in court when he was arraigned, you were present in court during his trial, you were present in court when he received his verdict of guilty.—I will ask you whether you ever saw a more extraordinary man, a man more evidently gifted by nature with the talent of swaying the minds of the common people by that sort of instinctive influence which even in his humble station there is no resisting; the influence of great courage, of uncommon decision, of unrelenting firmness—the influence of an eye like no eye that I ever beheld before, of a countenance and figure formed for activity, enterprise and command. Even the strange beard which he wore and his singular costume seemed to accord with his wild and daring character. They had seen him but once before, in the night, several months ago, and never paused for a second look; they recognized him in a moment, and what was probably intended by him as a disguise, almost served to help their recollection. Like the chief of a band of pirates, or the captain of a troop of banditti, he was obviously one of those persons who have in all ages exercised the most absolute control over people in their condition, and to whose natural superiority their moral and physical forces have ever yielded implicit homage. He was the leader—a stranger in the midst of them, sent over from Nottingham or some other place to delude these miserable men.—You hear the tales, the wretched tales that he told of a rising in one place, and a rising in another, whether he believed them or not, we know they are entirely false, but they proceeded from him alone, and such are the means by which a few starving villagers were urged to commit all these outrages for bread. It is not wonderful, gentlemen, that they had neither intellect nor strength of mind to question his authority—when you saw even the witnesses in the box, who unwillingly attended him in his desperate

expedition, speak of him as the Captain, in terms of involuntary deference and respect. He directed this wild career of mischief; he stepped forward when a daring act was to be done—he gave the tone and spirit to them all, nor would they have stirred without his influence and command.—Yet with all his power over their minds, he was most clearly himself an instrument wielded by other hands, but those hands for prudent reasons which it is not difficult to divine, you have not been permitted to discern.

The case begins then with the Monday evening, for the conversation of the Sunday falls with the disgrace of the witnesses who relate it—on the Monday it is perfectly true that the facts were committed; I do not wish to shrink from them. If it were allowable in any criminal case, my learned friend and I would have admitted all which has been proved by all the witnesses, except Martin and Asbury, with the ordinary allowances for some exaggeration on the part of those, who without intending to deceive, but in a state of great danger and alarm, have certainly both magnified and multiplied things in an extraordinary degree. Some see four hundred, when there were not more than one, some construe friendly warnings into furious menaces, and all naturally represent the danger as far greater than it really was. Then taking that case against the prisoner, what does it prove with regard to this charge? where is the proof of high treason against him?—he goes with a set of wild men who talk every kind of nonsense: one man is to pay the national debt—another to make England, France and Ireland rise—another to attack the tower of London, and another to go and take the town of Nottingham, and have the keys of the town delivered into his hands. One hardly knows how to deal with such stuff, and you will recollect these expressions are reported in detached parts, proceeding from single individuals in different places. One of them says, that Barnes's declaration about the state of Nottingham was privately imparted to him, and Bacon's speech in the kitchen about government having plundered them, and that the time to make their shift was arrived, most of them never heard, nor the prisoner amongst the rest. I do not mean to deny, that in point of law persons are to be affected by the acts and declarations of others in furtherance of a conspiracy to which they are parties; but when the acts are clear, and the whole question turns on the motives of the individual accused, it is surely very hard that his crime should be inferred from any foolish thing that may be said by others at a distance from him, unheard by him, not in furtherance of a common object, but separately and even privately uttered. The great mass of evidence was produced for the purpose of proving that which nobody denied—that there was a gross and violent outrage, that arms were taken from several houses—that there was a disposition to take men also—that there was in short (for I will not trifle with your

understandings) some preparations for committing violent acts. This, I think you must infer to be true: but are we to call it a levying of war, because a set of foolish fellows, with nonsense in their heads, set out on an idle expedition? The solicitor-general said fairly, that if he could show you a clear and distinct object you must call these acts high treason. Now as to the clearness and distinctness of the object, I will take the liberty of reading one answer which struck me as conclusive at the time it was given by the witness. "The prisoner said there would be no good doings"—you know what good doings mean—"until government was overturned." Then he was asked what was to be done for overturning the government; and the witness, that witness who is to prove treason by establishing the object, answered, "I cannot say." The acts to be done for overturning the government must determine whether it is a levying of war or not; but a mob of people meeting with pikes to do mischief, and even great mischief, is not necessarily treason. I wish the tumult had been earlier put down; I should have been far better pleased if an overpowering force had been at once brought against these people, for on such occasions, that is the only proper course suggested both by prudence and humanity. But will you, deliberating in that box at the distance of many months, undertake to say upon your oaths, that because absurd language was employed by some of the rioters, therefore this man was engaged in a deliberate design to overturn the government? if not, he is not guilty of high treason, for it is not a levying of war against the king. In all cases, but peculiarly in this, the intention marks the guilt; and if the intention be not proved, the prisoner must go free at your hands. His object is the sole matter for inquiry, nor can he be justly charged with the objects entertained by other men, scattered about in various places, and secretly talking to one another in a manner equally incoherent, indefinite, and absurd, not in the prisoner's hearing, and connected with him only as the dupes and tools of the unfortunate man who has been convicted.

In the anxiety to exalt this riot into a war, an attempt has been made to represent this man as second in command. Because Brandreth was called Captain, and every thing must wear a military character, the prisoner is to be styled lieutenant. Did you ever see a more unsuccessful experiment? He walked indeed by the side of the rest, and did something towards teaching them the lock step, as an old soldier might naturally do: but is there any evidence whatever of his having that sort of influence which should entitle him to a military name? On the contrary, when my learned friend presses a question on one of the witnesses about the prisoner's lieutenantcy, the answer is, that the lieutenant is not William Turner but Manchester Turner; Manchester Turner will have to answer for his conduct by and by, and you will not suffer what I

now say to create any prejudice against him; but their own witnesses prove it was Manchester Turner, and not William Turner that passed for lieutenant. In other parts of the case confusion may have arisen, and some injustice may have been done to the prisoner now on trial, from the number of Turners here: one is said to be his brother, and there really seemed a little disposition to make him answer for the crime of his brother. They fail in proving something against him, and exclaim—"Oh, but then it was his brother!" We have heard this continually, when the fact was known before the question was put.

The first witness as to what passed upon the Monday night, is Thomas Turner, and I am not disposed to bear hard upon him. I do not wonder that any young man should be so deluded into this criminal transaction; nor shall I contend that he is therefore infamous, and unfit to be heard as a witness, though, in point of fact, he is undoubtedly an accomplice. He gives the fullest relation of what passed on that night; and it is a most remarkable circumstance, that he does not, from first to last, state a single declaration of any description which points to the destruction of the government. Something indeed he said about the people of Nottingham, but not one word about the overturning government.

Then comes Elijah Hall the younger, of whom, as well as of some others, I would speak in terms of panegyric—they acted in the most honourable manner, with the utmost spirit of firmness. Yet that young man, who might be guilty of misprision of treason, if these people are guilty of treason, as he knowingly accompanies them without informing the magistrate, does not state one syllable of any design to overthrow the government. His father says that when he asked what they wanted, and refused to go without their telling him, they said, they wanted a bigger loaf, and the times altered. Now, if the wish for a bigger loaf and better times for the poor frame-work knitters is to be construed into a treasonable compassing to subvert the constitution, and a rejection of the allegiance due to the king, I am afraid there are a great many traitors in this court, and that your labours will by no means reach their termination with the trials upon this indictment.

Several persons (I am afraid I shall not be able to go through the testimony of them all), enumerate the different houses these parties attacked, and prove the wish to take violent possession of the arms found. Now, you recollect the evidence—you cannot forget that most unfortunate circumstance at Mrs. Hepworth's, of which so very much has been made—you know that Brandreth, the Captain, when he called for arms there without obtaining them, fired in at the window, and the boy, Walters, was unfortunately shot dead. They were not all in that miserable state of delusion to rejoice in the death of a fellow-creature, for some immediately interfered, and those active

men too, remonstrating against an act so cruel and so unfortunate. But it is argued against this prisoner (though I do not see how it can assist the proof of high treason, even though his criminality in another point of view should be ever so clearly established), that the poor man before you, adopted the crime committed by Brandreth, because when he endeavoured to get a gun from another person, he told him that he would share the fate of Walters if he refused it, observing, I think, that one man had been shot already, and he would be shot too. So far was he (says the solicitor-general), from having the least compunction for that unfortunate death, that he threatened others with the same fate if they resisted. I say there is nothing like evidence that he felt no sorrow for that unfortunate death: I assert, that every act he did, and every word he uttered, are capable of a different sense, and may reasonably receive from your hands the very opposite construction. I admit that it was his duty, as soon as that unfortunate act took place, indeed it was his duty long before, to have withdrawn from a party which was led into such outrages; but he wanted resolution to retire; he was embarked, like that unfortunate old man of whom Mr. Goodwin spoke, too far to recede; he could not help advancing. But that perseverance neither proves what the original object was, nor connects itself in the slightest degree with any design to overturn the government; and as to the imputed cruelty towards individuals, I think I can convince you that what is called a threat, far from betraying hardness of heart, and a proneness to personal violence, proceeded from a disposition to hold his hand, to attain his object without committing the foul crime of which he saw his leader capable, and of which he wanted to prevent the repetition. I put it to you broadly and boldly, that that is the fair and rational construction of his words. The witness, Raynor, who courageously avowed his resolution to perish rather than turn out, stated in precise terms the manner in which the prisoner addressed him. This is his evidence: "he desired me to remember they had shot one man, and I should share the same fate for my stupidity if I did not turn out; I said I should not go, and kept retreating towards the house." The unfortunate deluded man has been an eye-witness of this dreadful event. How must he act to prevent its recurrence? How is it possible for him, if it had been his own brother whose life he had been endeavouring to protect, to show his regard and affection more emphatically than by pointing out the miserable end of another person as a warning to avoid all useless opposition to an overwhelming force? I call upon you, as candid men, as men of charity and of common justice, to pronounce whether, at least, the one construction is not as probable as the other; in which case, I am sure, you will give its fair weight to the character the prisoner has always maintained. Witnesses, who have known him from his youth, have sworn that they knew him

as a peaceable and a humane man, capable of being misled as he has been; but utterly incapable of that wicked and deliberate act with which he is unnecessarily charged. From first to last, his conduct was the same towards all they fell in with, endeavouring to warn them against running the same risk that had proved fatal to another. Was that like glorying in the act? Did he follow the example? Did he fire at any man? I know that Mr. Raynor fancies that he cocked his gun at him and jogged him forward; but I am most positively instructed that Mr. Raynor has misconceived this, that the gun was not cocked at that time, and that his fears led him to suppose that it was so: you may easily conceive, in the agitation of such a moment, what the feelings of Mr. Raynor would be, and that his evidence on this point may be mistaken without any discredit to him. But after all, perhaps, I am wasting time on this discussion. I protest against it altogether, as having nothing to do with the charge of high treason—it may be connected with a riot, either rebellious or other, and I cannot conceive what effect it was calculated to produce upon your minds, except an effect which I know you will carefully guard against, that of exciting an unfair prejudice on the actual charge; as if he were less an object of your justice, or even of that humane and charitable consideration which juries always give to the case of prisoners, if you should in any way find him connected with that most atrocious offence. But I entreat you will particularly observe his lordship when he comes to sum up the evidence on this point, and form your own opinion whether it might not be the conduct of the best man upon earth compelled to proceed with the party, but solicitous to prevent the repetition of such an outrage.

I do not trouble you by travelling through all the particulars, because I do not see that the reiterated proof of the same or similar facts by different witnesses carries the case any further. It is quite impossible to deny that these acts were done, and done with mischievous intentions; but the question is whether a conspiracy to overturn the government has been proved, if not, my learned friends have failed in making out the case against the prisoner.

We have been told of the rising on Nottingham Forest such as it was; you see there was a number of persons, of whom Roper says that ten had poles in their hands and the rest had not. My friend, Mr. Richardson, asked the witness whether the remainder might not have poles though he did not see them: that I thought a pretty sharp question, leading you to infer something that could not be proved; and I must say, that all the questions proposed on the part of the Crown displayed a zeal and activity not very usual in criminal prosecutions, nor quite consistent with the character of such a proceeding as this. We have heard discussions on the admissibility of particular pieces of evidence which the court have stopped by recommending that the

question should be withdrawn, and throughout you have witnessed the greatest zeal to bring forward every particle of the conduct of any of the parties to affect the prisoner at the bar with high treason. Well, if an hundred men, with or without poles, came and demanded arms of Mr. Roper, that may prove that Brandreth had made a true representation of what was passing in that quarter, and I do not mean to dispute that head of evidence to that extent, not a very formidable extent, as affecting this prisoner, for you will consider and decide the point stated by lord Ellenborough on the trial of James Watson, whether his conduct is to be classed among riots of an aggravated description, or whether it amounts to high treason. Another observation of the same noble and learned judge strikes me as extremely important, and I hope you will not lose sight of it. In laying down the law upon this subject, his lordship says, "Insurrections to throw down all inclosures—to alter the established law, or change religion—to enhance the price of all labour, or to open all prisons—all risings to effect these innovations of a public and general concern by an armed force—" So much of the sentence being extracted from Mr. Justice Foster's discourse, to which lord Ellenborough adds,—"And by any multitude competent to effect the purpose itself, even if they be not armed, for his argument amounts to that."* Now, gentlemen, the imputed purpose being in this case to subvert the government of this country, I ask if you are prepared to say, upon your oaths, that this miserable multitude however dangerous and offensive to the neighbourhood, was competent to effect that object? That is a part of lord Ellenborough's definition of high treason; see how it applies.—There is an army which does not keep together for ten hours, which marches towards Nottingham on false representations of all which had taken place there, though Brandreth may have told the truth in saying something was to be done. In their whole conduct there are no two things which can be put together as cause and effect: it is like taking pikes to wage war against "some bright particular star," so infinite is the distance between the means and the end. So utterly absurd is the plan, that you must be convinced, not only that the preparations were not competent to effect the alleged purpose, but that if properly met and resisted, they were incompetent to effect any purpose whatever.

I have often expressed the regret I feel, that information was not given to a magistrate, and this appears to me a great fault in all concerned. I must be allowed to state it as a fault in Mr. Goodwin (though I should be unwilling to detract from his general merits), that knowing enough to think it necessary to swear in special constables, he did not give such information as would have led to the suppression of this riot by force, in the instant of

* *Vide Watson's case ante p. 580.*

its breaking out. Unhappily, that was not done; but from the concurrence of circumstances, the darkness of a stormy night, the tame submission of some, and the want of resistance in all, the men were encouraged to proceed in their strange expedition, and their numbers continued to gather and increase. I am not blind to the danger of such tumults, nor shall I deny, that if this body had long remained unchecked, it might possibly in the course of time have become high treason; but to describe it as having attained that character at the moment the army was washed away by the rain, and the men were sliding off from one another, because they began to detect the nonsense of their speculations, does appear to me such an extraordinary stretch of language, as never was employed before, and will not, I trust, be countenanced for the first time in a case of so much solemnity; in the case of a prisoner who stands trembling before you, and must either receive life and happiness at your hands, without, however, escaping the due punishment that may belong to his other offences, or by your verdict must be consigned to a cruel and an ignominious death, on a charge too that involves the most important public interests of this great and free country.

I wish to make one more observation on the law of the case which escaped me as I was going on: and I state unfeignedly that the conclusion to which I am led by reasoning, of which I cannot detect the fallacy, I do feel it my duty to lay before the court and the jury, with full confidence that you will see it in the same light that I do. As I find it laid down by lord Hale, that levying war against the king is a question of fact for the jury; as I find it laid down by Justice Foster, that levying war against the king is a question of intention, which is most peculiarly a fact for the jury; as I find it laid down by the highest authorities cited in East's Pleas for the Crown, that levying war is a matter of fact to be decided, not by the court, because the law cannot define beforehand the mode in which treason may show itself, but on the circumstances of the case, to be considered and disposed of by the jury: I, not only in consequence of these principles, call upon you to deliberate upon the evidence laid before you, and pronounce whether war has been levied; but I cannot avoid drawing that other conclusion, that the judges never possessed the right to decide upon that question. If, then, this interference was an usurpation at the first, it is an usurpation still: and we may remember that under another very important head of state prosecutions the same opinion and practice had prevailed, and was at length declared erroneous. In the case of libels, it was considered for centuries that the court were to decide upon the character and quality of the libel, and that the jury had nothing to decide upon but the mere fact of publication. When I mention the name of Mr. Erskine, you will probably recollect the eloquent and admirable argument he delivered

in the case of the dean of St. Asaph* contending, in opposition to the court, that the jury were to take the whole case into their consideration, and that it was altogether a fact for them to decide. Mr. Erskine was frequently rebuked by the court, he was considered as arguing an untenable proposition, but what was the result? That after an able but unsuccessful struggle of several years, an act of parliament was passed, declaring that the question of libel was a question for the jury, and that therefore that illustrious orator had been right in his contention. When I was told, as perhaps I may be told again to-day, that I am calling upon you to invade the province of the judges, by deciding on matters of law, I deny the charge: my learned friend may say it is matter of law, but, supported by these great oracles of legal wisdom, carried down to the latest times, that the levying of war against the king is a question of fact, I cannot defer to my learned friend's authority upon that subject. I say it is a question of fact for the jury to decide, and that the same maxim which has declared that juries shall not interfere on questions of law, has made it also the duty of judges not to arrogate to themselves the right of deciding on questions of fact.

If the scale should hang doubtfully in your minds as to the acts of this prisoner, and his intention as connected with them; if, convinced that he has been implicated in an outrageous riot, you should be at a loss for reasonable and credible evidence to establish the heinous charge of high treason, then you will have a just regard to his character as a humane and peaceable man, who for many years served with credit in the army, and still retained that loyalty which every soldier does and ought to feel towards his king. That character should avail him in the hour of trial, though so unfortunately betrayed by the miserable circumstances of the times into errors and violence, and turn the trembling balance in his favour. I trust, indeed, that your minds will retain no doubt upon the general question of the charge which has been advanced. I do most confidently anticipate, that when you calmly consider all the evidence, and scan it with that charitable eye with which juries ought to scrutinize the acts of the accused, more especially where conviction would be followed by such dreadful penalties, you will find no proof of the guilty and consenting mind of this man to the culpable projects which Brandreth or others may have conceived. Of that person I shall say no more, his fate is sealed: he was a man capable of misleading, though himself misled; a jury has pronounced his doom; but no two cases were ever more dissimilar than that of Brandreth and that of this unfortunate individual. His certificate of discharge, now in my hand, states that he served honestly and faithfully for two years and six months in the army, after being in the Derby militia one year

and six months. One cannot be surprised that an old soldier should be made to teach them the step in such a rising as this, but that does not connect itself with the original object, and if that be left doubtful, the case remains unproved. I know that it is the practice of learned judges to say, that if juries find the scale of proof suspended—if they are not fully satisfied upon the evidence—if, according to a phrase sometimes employed, they do not see their way clearly through the case—they are bound to give the prisoner the full benefit, both of his character and of their own doubts.

My learned friend dropped an expression which struck me; foreseeing that you would not feel perfect reliance on the proof, he said, that you could not acquit unless your doubts were reasonable. I know not why my learned friend should think you likely to cherish any notions that are not reasonable; but to every man the doubt that he really entertains is reasonable; and every man must judge of the evidence before him according to the best of his own knowledge and ability. I do not ask for unreasonable doubts: I only ask you, if you entertain any doubts at all upon the fair investigation of this subject, not to be deterred, by speculating whether the solicitor-general would allow them to be reasonable, from giving the prisoner the full benefit of those doubts, and releasing him from this accusation. And this you would be bound by your oath to do; but I do not so consider it as doubtful—I admit, that in the first instance, when the man was taken up, it was a case of great suspicion, and very fit to be submitted to a jury; but now that the matter has undergone a full inquiry, I say that the guilt, which ought to have been made out by respectable evidence, has not been proved by any witness you can trust—that the whole is ignorance and folly—that the case which the crown have undertaken to establish, to convict this poor man of the most enormous of all crimes, remains unproved—and that he is entitled to your verdict. And, if a doubt should arise, beware that it does not arise too late for your peace of mind; let it not haunt you after the verdict has been given, and the mischief has become irreparable: while you yet have time, let it receive its full operation: suffer not its dreadful visitation to come upon you in the sleepless hour of sickness and solitude, with the prospect of death before your eyes. Think of the horrible vision that will persecute your conscience, in the form of that unfortunate creature in the miserable state to which he must be reduced by your verdict of guilty, if that verdict should hereafter appear to you to have been unjust. Consider how much more miserable yourselves would be rendered at the fatal moment when you must bid adieu to all the affairs of this world—and think of the sensations which will await you, when we all meet before the awful tribunal of God.

Mr. Justice *Dallas*.—Prisoner at the bar. The time is now come for you to make a de-

fence, if you wish to say anything for yourself.—Do you, or do you not?

Prisoner.—I have only one thing to say: the gun was not cocked.

Mr. Justice *Dallas*.—Is there anything further that you wish to add?

Prisoner.—No.

REPLY.

Mr. Attorney General.—Gentlemen of the Jury;—It now becomes my duty to address to you some observations in answer to those which have been made by my learned friends who are counsel for the prisoner; and also to make some observations upon the case as it has been proved on the part of the crown, and remains totally and entirely unanswered by anything in the shape of evidence on the part of the prisoner at the bar. Whether the ingenious observations that have been made by both my learned friends, shall outweigh a body of evidence, the truth of each and every part of which, I will venture to say, can upon no ground of solid reason be disputed, remains to be seen by the verdict that you shall hereafter give; a verdict which you are called upon to give, not less by the common and ordinary duties imposed upon you as honest men, than by the sacred obligation of that solemn appeal which you have made to your Maker, in the oath which you have taken—a verdict which you are called upon to give by that oath, not according to the observations which shall be made by my friends on the one side, or which shall be made by me on the other, but according to the evidence, so help you God.

I should not occupy much of your time in commenting upon this case, but for some remarks that have been made by my learned friends on the other side: no matter what my impressions may be upon the subject, for you are not to decide according to my impressions; yet my impression being that the case is so strongly proved as almost to make it a waste of time to make many observations upon that which has been proved, I should take up very little of your time, but that I think it incumbent upon me for the sake of the public, for the sake of the administration of the justice of the country, for the sake (if I may use the phrase) of the learned judges who are sitting here, and (which is of much less importance, than the other considerations) for my own sake as well as that of my learned friends, exercising our duty (God knows as far as relates to myself, with little enough of talent to enable me to exercise it; but I hope I may say, with as much desire to do it with integrity, as any man who ever stood in the situation in which I am placed;) in justice to that character am I called upon to make some observations in answer to what has fallen from my learned friend. No man can very well answer for his wisdom; every man either can or ought to be able to answer for his integrity.

My learned friends have addressed to you an observation upon the nature of the Court and

of the tribunal in which this prisoner at the bar is tried; they have told you, that the attorney and solicitor-general come down here, with an array of counsel (I think the phrase was), as it were to make or levy war upon these prisoners, under a special commission, and that this is not conducted at the common and ordinary tribunal of the assizes, which are holden twice a year in this county; why, gentlemen, let it be recollected (and my learned friends should have recollected) that unless the proceeding were under a special commission, the trial of these men must have been postponed from the last assizes till the next; for that statute which has given the prisoner the benefit of and the right to the two counsel who have been heard on his behalf by you, actually prevented, from its rules and regulations in favour of prisoners, these trials from being decided at the last assizes.

A law which was passed immediately upon the glorious Revolution in 1688, gives rights to a prisoner, which I thank God he enjoys, although sometimes it may cause personal inconvenience to persons who have to decide upon such cases. When a bill of indictment is found against a prisoner, he must have a copy of it delivered to him above ten days previous to arraignment; he must have an opportunity of having counsel assigned to him during the same period of time, to advise him as to the nature of his defence, and not merely to address the jury in court, when he shall come to be tried; he must at the same time have a list of all and every witness it may peradventure be necessary to call against him, or any of those indicted with him; he must have a list, with a proper description of every gentleman of the jury, who may chance in the allotment of jurymen, after either side have exercised the right of objecting (either with, or without cause as far as relates to the prisoner), to come there. All these things must be done, and ought to be done for the benefit of the prisoner let it be recollected, for it is for his benefit that that statute was passed; and these things make it absolutely impossible, without interfering with the ordinary justice and mode of proceeding in the country, to try the prisoner at the assizes at which the bill of indictment is found, unless those assizes shall be adjourned over till after all the rest of the circuit is passed through. But, that is not all: did ever man hear this sort of objection made before to the constitution of a court—that (however able any learned judge, and I am sure—at least I believe—there is no learned judge whom we have the blessing now to have, who singly by himself would not be perfectly competent to the trial of this or any other question which could be brought before him, civil or criminal; yet is it an objection to the tribunal, that) the court to try a culprit charged with the highest crime against the state, should be constituted of four learned judges of the land, instead of that trial happening to pass before one? is it matter of reproach as oppressive against the

prisoner, that when every man knows the judges of this land look with the acutest eye not to pervert the course of justice by observation, but to see that nothing is admitted as evidence but that which is legal; that the form and mode of doing it shall be not only consistent with the technical rules of law, but with the strictest principles of justice—is it matter of reproach that the court is composed of four learned judges, who may unite their wisdom as well as their integrity, to see that justice is done between the great community, and the individual who is tried? The interests of that individual are alike under the safeguard and sanction of the learned judges, with the protection of the community against crime; and I must confess, however any observations (which in trials of this sort are thrown out, and one does not receive them as meant personally against oneself) might be made against the law officers of the crown on subject matters of public prosecution (which has been as it were, I might almost say, the order of the day in such proceedings), I was astonished to hear any observations made by my learned friends upon the nature and mode of the constitution of that court which was trying this prisoner, when that court was constituted of four learned judges of the land, and of twelve jurymen of the county within which the offence was committed.

I take leave to state, that if there ever was an occasion which required all the solemnity in point of trial, which belongs to the constitution of England, which has been (and in that part of one of my learned friend's speeches, I agree with him) so eulogized by my learned friend Mr. Cross; if ever there was a tribunal that was properly constituted for the purposes of a trial of a matter of this sort, it is that in which we are now discussing this question; assimilated as nearly as it can be to the constitution of the superior courts of Westminster-hall, sitting in bank, composed of four judges; though the learned judges who are trying this cause, are selected from each of the three of his majesty's courts of common law for the purpose.

Another observation has been made upon the subject of the great officers of state (as they are pleased to call us) coming down to levy war against these men. When men are accused of state crimes, it is the duty of the law officers to conduct the prosecutions; and whether it be at one place, or at another, if it does not interfere so materially with their other duties as to make it impossible, whoever may happen to fill the office of attorney or of solicitor-general at any time, will be found in their proper places; therefore, really these observations can have been made with no other view (I mean it not offensively to my learned friends) than as it were to prejudice the discussion of this question in your minds; if to prejudice in the minds of others, I am sure I care not; all that I desire and beg is, that you will divest yourselves of every prejudice on either side, and decide the question according to law and to the evidence, upon your oaths.

Another observation has been made upon the subject of management; that we have selected first an unfortunate man of the name of Brandreth, to whose acts I cannot help alluding; but to whose trial I would not have alluded on any account, unless my learned friends had made it necessary; because, let it be recollected, that this man, William Turner, is to stand or fall by that which has been proved upon his own trial, and not by anything which has been proved or said or done upon another trial. My learned friends have said, that there has been management in trying Brandreth first; and they suppose that we tried that man first, because in the course of the transaction an unfortunate deed was committed by his hand, and that we managed to bring that man first to trial who had been guilty of causing the death of one of his fellow subjects, in order that the jury who were to try him for treason might be influenced by that act; and that then if, in consequence of that, the jury should find him guilty, it might prejudice the minds of those other gentlemen of the jury, who might try other people charged with the same crime of treason that he was charged with—I beg leave utterly and absolutely to disclaim any such motive, intention, purpose, or management. Brandreth was brought to trial first, because Brandreth was elected by those who were his co-conspirators and actors, the leader of the insurrection on that night; William Turner has been brought to trial second, because, I say, from the evidence, as it will appear to you, he was the next in command and leading to Brandreth; that however does not make the one man guilty of high treason more than the other, if all were conspiring together. Do not you misunderstand me; as the separate challenges by the counsel, which they had a right to make, made it necessary for us to try them one by one, some selection was to be made, and I say, that it was most right, most correct, and most proper, to bring those first to trial who stood most prominent in the acting of the scene.

I have made this observation to you, that Brandreth or William Turner, as the leaders and most prominent, are therefore not the most guilty of treason, if all conspired together, because as to those who act together in all bodies, some one or some certain number must necessarily take, as it were, the lead. I agree with my learned friends, that it does not follow that there may not be cases where men may be doing the same acts, and yet certainly may not have the same guilt; one may be perfectly innocent and the others completely guilty. One of my friends put a case as to officers and soldiers, in the year 1745, and he asks, if any two or three officers of any of the king's regiments, or a whole body of officers of the king's regiments, had intended to go over to the side of the Pretender, to the rebels, and had done so, had led the men of their regiments to join the Pretender, when they, the men, thought they were obeying the commands of their offi-

cers for the purpose of supporting the cause of the king, though the leaders, he says, would be rebels and traitors, would the men? Oh no, God forbid; and why? because the men would not be acting with the same common purpose which their leaders had; the men would be acting under the impression of loyalty to their king and country; the officers would be acting (or at least those concerned together) in the common purpose of betraying their men into resistance to their king; one set would be completely guilty as traitors, and the other completely innocent, as men who had nothing to do with the purpose the officers themselves were intending; perhaps I am premature in making that observation, but it struck me at the moment, and I did not lose the opportunity of making it.

Having said thus much upon the subject of the tribunal here constituted, and of the selection and management, I will beg leave to state a few observations upon the law of this case. My learned friends have put their case in this view as it seems to me, that though here was outrage and riot and robbery (I do not use these expressions for the purpose of prejudicing the case, and I beg leave to be so understood), yet high treason was not committed. One of my learned friends has said, it is difficult to say where riot ends, and where treason shall be said to begin; and, says he, I cannot tell you where the line is to be drawn. Now, it may in some cases be difficult to draw the line upon the particular and immediate facts; but what is riot and what is treason, is, as a general proposition, as clearly defined by the law and by the construction that has been laid down by all the judges up to the present time, as a distinction between any two crimes can be: treason begins and exists when there is a conspiracy or common mind and intent to effectuate a general purpose, not of a particular and private and individual nature, by assembling together with force and arms, in order by hostile force to effect that general purpose; there treason begins and continues; that is levying war against the king. One of my learned friends has said, that levying war, which is a phrase used by this statute, "if any one shall levy war against our lord the king," is a mere question of fact; but before we come to the fact, surely we must ask this question—when we are told that if a man do levy war against the king, he is guilty of treason—what is levying war against the king? Some one must answer that question, and it should be answered by a general rule or rules of construction, settled and understood, handed down from time to time, to which as an authority all men may refer for the purpose of regulating their actions and their conduct. Now, I beg leave to state, that there is no man in England, or in the world, who more highly respects, venerates, and loves the constitution of the trial by jury than myself; but this I take leave to state, that if questions of serious law were to be a subject matter to be decided by gentlemen

of the jury, the law would have no rules of certainty by which to regulate men's conduct, but must fluctuate according either to the wisdom, or talent, or notions of the different classes of his majesty's subjects, who at different times may happen to be placed in the jury-box. You twelve might think that the law was so and so; another twelve might think that the law was otherwise; a third twelve might be of a different opinion from both; and instead of there being any rule, which is most important, by which men should regulate their actions, by which men should hereafter be judged, in case they have misconducted themselves, in any way; instead of having any rule for the guide of all and each man's conduct, we should be in one chaos of confusion and perplexity, and be reduced to that uncertain state from which this statute of Edward 3rd was meant to redeem us, by laying down, as far as a statute can lay down, a general rule; instead of leaving treason open to construction on this or the other sort of conduct, and confining it to those which are offences against the king.

Now, what do I mean by offences against the king? not as it has been almost put to day, offences of hostility against the person of the king; for that statute which declares the levying war against the king to be treason, in a subsequent part takes the distinction, making treason both the offences which are against the king, meaning his person, and those which are against his royal majesty: for those very words are in the statute. In those days, as my learned friends know, the term majesty was not applied to the king, I mean to his person; the king of those days was not called his majesty; "the royal majesty of the king," as used in the statute as distinct from his person, means his state, his dignity, his functions, as a component and essential part of the government, and the constitution of the country.

Mr. Denman.—Mr. Attorney, that is not so in my edition, there is nothing about the king's royal majesty in lord Coke's transcript.

Mr. Attorney General.—Then, gentlemen, I will read it to you.—"When a man doth compass and imagine the death of our lord the king, or of our lady his queen;" then "if a man do violate the king's companion," and so on, "and if a man do levy war against our lord the king in his realm, or be adherent to the enemies of our lord the king in his realm, giving to them aid or comfort;" "if a man counterfeit the king's great or privy-seal, or his money;" if a man do certain other things, such as kill the chancellor, and so on, in his place; "and it is to be understood, that in the cases above rehearsed" (which includes them all) "that ought to be judged treason which extends to our lord the king and his royal majesty."

Mr. Denman.—I beg your pardon, I thought you stated levying war against his royal majesty.

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Mr. Attorney General.—My observation was this, that when the statute has stated the different treasons, such as compassing the death of the king; such as levying war against the king; such as slaying the king's chancellor, the king's privy-councillors, or his judges, being in their office; it is declared to be the intention that all things above rehearsed, which do extend to our lord the king and his royal majesty, shall be adjudged treason. Will any man tell me, that when men assemble with a hostile force to levy war, that war must be declared to be against the king's person, or that I need resort to that, which would be natural reasoning enough, that if it be intended against the king, it must be against his person. Now, I say it is declared, that if the war be levied against the constitutional quality of the king in this country, as the king is the representative of the country, and the guardian of the laws, that being one of the main integral parts of the constitutional government of the country, it is as much war against our lord the king, as if they published when they marched together, that they had an object to take the king's person to put him to death.

What is the government and constitution? I do not mean the word government as it is used in speaking in common parlance of the king's ministers of the day; I use it and always will, as the old sound legal description of the constitution of the country; when our old proceedings were in Latin, "*gubernationem*" was the constant term; and much as I love the constitution of my country, there are such vague, indefinite, strange constructions put upon that word, that I like to adhere to the old word known to the common law, the government of the country as constituted by law. What is it, what has it been, with all its variations and imperfections, from the earliest times, so far as we can trace it? composed of the king, the lords spiritual and temporal, and commons, in parliament assembled; that is the government of England; that became the government of Great Britain upon the union of the two countries of Scotland and England; that has become, and still remains, the government of the united kingdom of Great Britain and Ireland upon the union of the two parliaments; and God Almighty grant that it may ever continue so.

As an integral part of that government has the king always existed from the earliest period of the common law: and in the year 1688, let it be recollected, when the present government and constitution perhaps received its final polish (that is hardly the term) final perfection (as far as government can be made perfect)—the great and wise men of that day, still continued that blessed constitution, though they made declarations wisely of certain rights which had not been properly ascertained or attended to. But the king, and the lords spiritual and temporal, and commons in parliament assembled, were the government of England; now, I take the liberty to state this, that no man can levy war or conspire to levy war

against any part of that government, without levying war against the king, who is a necessary integral component part, who is considered by the law and constitution of the kingdom, as in some degree pervading the whole.

Then if levying war is so used in the statute as a term so general, that we must ask what is a levying war, who is to expound that, and how has it been expounded from the earliest times? Perhaps I ought, indeed, to make another observation upon the statute of Edward 3rd, for my learned friends know perfectly well, one of the objects of that statute of Edward 3rd was, to take care to distinguish between offences against the government and of a general nature, and the wars and quarrels, and riots and tumults, that in those early days took place between powerful individuals. Every man who knows the history of that statute, knows that in those and former days there were great barons and persons in great power; the lords marchers, for instance, of Wales; the earls of Gloucester, and several others, whose names are mentioned in the books, who waged, what in common parlance may be called war, as far as giving battle went, as much as any war between two hostile states; and that though they had nothing but private quarrels amongst themselves, yet that still in those days, from the nature and extent of their proceedings, constructions had been put upon those acts, and they had been constituted, or at least decided to be, high treason. The statute therefore was passed to make nothing treason, but acts of levying war against the king, and not war (to whatever extent of outrage it might be carried) that was only between two individuals.

In conformity to that principle, whenever a question has arisen, as to whether acts that have been done amount to a levying war, not merely in times that have been spoken of by my learned friends, the reigns of Charles the first, and of Charles the second, but immediately after that glorious revolution, which had in its contemplation the law of treason, and when was framed the statute which has given the prisoner the advantage of my learned friend's assistance by one of the greatest judges that ever lived (I speak of lord chief justice Holt); by one who was himself an active supporter of that Revolution; by one under whose eye that statute of the 7th king William was constructed, framed, and passed. That learned judge (assisted by other judges, certainly not more eminent, and, in the eye of mankind, not so eminent though very likely equally wise as lawyers), thus lays down the law:—"There may be a war levied without any design upon the king's person, or endangering of it; which, if actually levied, is high treason; as, for example, if persons do assemble themselves and act with force in opposition to some law which they think inconvenient, and hope thereby to get it repealed; this is a levying war and treason, though purposing and designing it is not so, so when they endeavour in

great numbers, with force, to make some reformation of their own heads, without pursuing the methods of the law, that is a levying of war and treason; but the purposing and designing it is not so."^a In the 9th year of queen Anne, little more than a year after the stat. 7. Ann. was past, further to regulate trials for treason, lord chief justice Parker, with whom were associated lord chief baron Ward and two other learned judges, in trying persons who were accused of high treason for assembling themselves with an armed force to pull down all meeting-houses, pronounced that the object being a general one to pull down *all* meeting-houses, that was a levying war against our lord the king; and under his judgment, and under his statement to the jury, which never afterwards was gainsaid, were these men convicted and executed.

Mr. Denman.—No, not executed.

Mr. Attorney General.—They were convicted; true, they were not executed; but that arose from no objection in point of law, but from the political reasons given by sir Michael Foster. From that period of time I defy my learned friends to cite an instance in which that law has been ever disputed by any learned judge who has been called upon to pronounce an opinion.

Let us come to later times. You have heard the name of sir Michael Foster mentioned, who was one of the greatest and wisest judges, and as much a friend to liberty as any man in this country; he, anxious and desirous that the law of treason should be well understood, has certainly written one of the ablest discourses upon that crime that ever was penned by man. It was said the other day, it was only the production of a man in his closet; it was the production of a man in his closet; and if it had not been adopted by subsequent judges, or if its authority had ever been questioned, I would not have quoted it, for this reason—that however wise a man may be in his closet, the law is to be taken from the judges *acting in their judicial character*; but his doctrine on this subject having been repeated by every judge who has ever presided on a trial for treason since, I say it is not to be undervalued because it was the production of a man in his closet, but, on the contrary, coming from such a man, and sanctioned by the judicial opinion of men sitting in their places in judgment, it, in my mind, derives additional force from that circumstance. It was the composition of a wise man exercising a judicial function himself, who had formed his opinions from a long course of study, and who gave to the world this discourse—he perhaps might be too modest a man to think so, but I take leave to state, gave to the world this discourse as one of the most beneficial gifts that he could bestow upon them on such a subject. He states as the law, that all risings, all insurrections with a hostile force,

^a Sir John Friend's case, 13 How. St. Tr. 61.

for any general object, such as the pulling down all inclosures, the pulling down all meeting-houses, and so on; constitute a levying of war against the king.

There is another case which I met with in a book, compiled by a learned gentleman, whose authority I do not cite, but as giving you the case from the manuscript notes of Mr. Justice Yates, as great a judge as ever lived. Mr. East has mentioned a case decided on the northern circuit, in which, before Mr. Justice Bathurst, and another learned judge, an armed assembly, for the purpose of resisting the general militia laws by force and arms, was holden to be high treason, in levying war against the king,* and under that authority the persons accused, were convicted and executed in two of the northern counties; and why? because the assembling in hostile array, and with hostile force, against any general body of laws, is an insurrection against the government of the country; and our sovereign lord the king being an integral part of that government, it is a levying war under the statute of Edward 3rd against the king.

Since that time the law has been laid down in the same manner by all the judges; and I will venture to say without dispute. Lord George Gordon was tried for high treason; he was charged with levying war—what was it? The way it was to be made out, was by showing that he had assembled a large number of persons together; for what purpose? for the purpose, by the extent of their numbers, of overawing the parliament; for that was the way it was attempted to be made out. Lord George Gordon was acquitted; why? not because if that was the intent and object with which he assembled them together, and he heading them and regulating their proceedings had that in view, he had not been guilty of high treason; no, but that it was not made out to the satisfaction of the jury, that he did intend that those persons whose petitions he presented, should by force and by numbers overawe the parliament. No person disputed, that if those persons did go down for the purpose of overawing the parliament, and obliging them to repeal a particular bill, it was levying war against the king.

I will not occupy more of your time by stating my opinions of the law, only concluding my observations upon that subject with this particular request; my learned friends have stated their notions, I have been bound to state mine; we differ in our statements; trust neither of us: not because you do not believe our integrity, but because you may think our understandings upon the subject may be incorrect; take the law from whence, by the constitution of this country, the law in point of direction ought to come; hear it from the learned judges, who, in stating the law to you, are not only enlightened by reading and by wisdom upon the subject; but, if it were pos-

sible to suppose they could want any additional sanction or motive, to the sound and solid integrity of their own minds, you will recollect that they are acting under the sacred obligation of an oath to deliver you the law, just as much as you are, acting under the sacred obligation of an oath to find your verdict according to the law and to the evidence.

Let me now come to the particular facts of this case. If a number of persons assemble themselves together, arming themselves and intending by armed force to effectuate a general object, much more when that general object is, to destroy the government and constitution of the country, that is high treason: every man who acts with them for the purpose, (always recollect), in the effecting that common object and intent, is guilty of high treason; whether he was party to the original conspiracy when first laid—whether he comes in at one period of the time or at another—if he is cognisant of their intention—if his intention is the same with theirs—if he acts with them in furtherance of the design, more or less, each performing the different parts which fall to men in any general transaction, he is guilty of treason.

I shall next advert to these facts; facts uncontradicted, and facts that might have been contradicted, if they had been capable of contradiction; and when I come to state them to you shortly (which I will do, for the narrative of these proceedings comprises only two days), let me ask, whether any human being can doubt that the case is made out on the part of the crown. Here is a meeting on the 8th of June, at the White Horse at Pentridge; the persons who are there, from that which passed amongst them, could not have met by accident; how came the map there? Was that by accident? I am speaking now of Brandreth sitting with a map at that meeting. William Turner makes his appearance there; was he there by accident? Was it by accident that he asked for a return of arms from the different parishes and places to which he did not himself belong? Was it only by accident that he produced a return of arms from South-wingfield, the parish to which he did belong? Was it by accident alone, that he reproached the others for not being so forward as the South-wingfield men were? Or was it not that he brought himself there in consequence of an understanding between them, that there they were to meet at that time for the purpose of arranging the order of their march, and the disposition of their proceedings on the following night when the insurrection was to take place? then there they were with the purpose of having arms—was that by accident? I would ask another question, as to those pikes which he spoke of, that were to be found in a stone quarry; were all these things by accident at an inadvertent meeting? or do they not mark a settled preconcerted plan which was soon to come into action, and the particular details of which were to be made

* E. P. C. 76.

at that time to the different persons who were there?

My learned friends have made some reflections on the different witnesses who have proved these facts. Martin and Asbury, say they, are accomplices and not to be believed on their oaths. I beg leave to say they were not accomplices. If you ask me whether, if I had been at that meeting, or if they ask whether you, gentlemen, would not have gone immediately to the magistrates, if you had been at such a meeting; you or I would have gone immediately and given notice; but you are not to say, that men of that class of life are not to be believed, because they do not act with the same firmness and decision upon such an occasion as we should: that is not the fair way of trying the conduct of mankind. These men, too, heard what was said upon the subject of what was to be done with those who should go and disclose any thing that passed at that meeting, at the White-horse; and give me leave to say, that though perhaps it ought not to operate upon men's minds, yet we are not to say they are accomplices, and not to be believed, because under an impression of fear, they did not go immediately and disclose what they knew.

Another observation made upon these men is, that they were special constables; they had been sworn in by Mr. Goodwin to be special constables a day or two before; they did not then know it was their duty as special constables, immediately to inform a magistrate. Now, I think that man gave an extremely sensible answer upon that; it is not the answer I should have given, because I have read the law books upon the subject of the duties of constables. I do not apprehend these men had ever read such treatises; but they had a general impression which I will venture to say they have in common with much more enlightened men than themselves, that a special constable is only sworn in for the purpose of assisting, in case there should be any riot or tumult. They were right in supposing that to be the general object of swearing in special constables; and therefore, says the man, I did not know, that as special constable, I had any duty but to act in case of riot or tumult. But I would ask, was there no meeting at the White-horse?—was the company not changed from time to time? was it so, or was it not? I will tell you whom we could have in one moment, if it had not been so; Mrs. Weightman, the mother of one of the persons indicted, could tell you if it was a fabrication. They cannot say, that upon this trial they did not know what was to be proved; for they heard these facts proved in the trial of Brandreth, and knew who were to be the witnesses; if Mrs. Weightman did not say that which has been stated when these men were in the kitchen, to the men in the parlour, she might have been called to disprove it; for you recollect, what Asbury said was this, that, when he went there with Elsdon, they went into the kitchen; Mrs. Weightman went to the parlour, and said,

there were two Butterley men, might they come in; and that the answer was, "Yes; the two Butterley men may come in;" there is no contradiction to this. Then they go there, and they have told you that which, if untrue, might have been contradicted by God knows how many people. What was the declaration, what was the conversation, what was the conduct, when they were there? Now did William Turner know what the object was when he brought the returns of the arms he had collected at South-wingfield; when he reproached the others that they were not equally forward; when the conversation was stated from time to time as the company varied, that the object was a revolution, that the object was, to act against the government of the country?

There is another observation not unimportant with respect to those verses; I do not mean to say that they are very poetical; but we must not treat with indifference the writings of men because they are not learned. These lines are written not merely under the impression of distress for bread. I know the constitution of human nature, that when there are to be risings or insurrections, couplets and songs, and poetry, good or bad, always have been used for the purpose of infusing the general notions into the minds of others, and keeping them in a sort of harmony together; the Marseillois Hymn and the Ca Ira tune were powerful auxiliaries towards the destruction and demolition of the French government; gentlemen, what are these lines:—

"Every man his skill must try,
He must turn out and not deny."

Mark how these words, and the lesson which is read by these lines, were verified by the acts that took place on the night of the 9th of June:—

"Every man his skill must try,
He must turn out and not deny.
No bloody soldiers must he dread;
He must turn out and fight for bread.
The time is come you plainly see,
When government opposed must be."

"No bloody soldier must he dread;"—he must have no fears, when this government is to be overturned of any of those forces, whether they happen to be of the king's troops or of the yeomanry, or any other in the shape of military; he must have no fear of those called out to oppose him: no; the time is come when every man must exert his courage and his skill, when the government and constitution of the country must be opposed. I say, no man of common sense can put any other construction upon any line or any word of that paper. Does that, or does it not, mark an intention to make war against the government of the country?

It is extremely important to consider how that which was then stated to be the plan to be adopted the next night, was acted upon the

next night; because, if they impugn the evidence of Martin and Asbury, the acting on the plan the next night is proved by witnesses upon whose credit I defy them to throw the slightest degree of aspersion. The map was marked; they were to assemble at Hunt's-barn; some of them (the South-wingfield people) were to be in readiness; and there was one function that they intended to perform which is extremely important to be considered (I thank God they did not), which was, to "kill their own vermin;" "each parish to kill their own vermin;" what that vermin was, they have left us in no doubt about; unquestionably it meant, that there were certain persons who were to be taken off, because those persons were supposed to be in hostility to them; and being of an higher order of people, were the most likely to act with vigour against their plans.

Then Brandreth pointed out upon the map or plan, which way they were to march, and so on, on the 9th of June. William Turner is found at Hunt's-barn armed with a gun; William Turner marches with Brandreth, and with that particular party from Hunt's-barn to Mr. Hardwick's to Topham's-close, to Mr. Walker's, to Samuel Hunt's, to Mary Hepworth's—I shall make an observation upon that presently—to Samuel Fletcher's, and last of all, let it be recollected, in that line of march, to John Storer's. If he sets out with them with a gun and marches with them with a gun, whether (as Thomas Turner said, and I dare say truly) he might be within three yards or six yards of one man at one time, or another man at another time, no matter, every man cannot be at the same time in the different places; but whatever his relative position in the body, if he acted with the whole body, it matters not; he is with them there all the time; and there is one important observation, which though rather out of order, I will make now, lest I should forget it, that William Turner is proved to have marched by the side of the ranks more in the quality of an officer than of a common man, for a reason which I did not know, till a witness whom they called had proved it. Brandreth at one period of the transaction, desires to know who had been soldiers, or who had been in the militia, that they may turn out and help to form the men; from that period, William Turner, though I do not mean to say he answered as a soldier, acted as an officer by marching at the side of the ranks, and sometimes at the head of them with Brandreth; and the witness they have called to give him a character, has proved that he had been a soldier.

When they went to Mrs. Hepworth's there took place that unfortunate event of which you have heard. Now, I beg leave to repeat what I have stated before, and what was stated by my learned friend the solicitor-general, that except so far as it marks their intention, you are to try this case, whether high treason or not, precisely as if no human being had fallen in consequence of that gun having been

fired: you are not to convict this man of high treason because his companions were guilty of murder, nor ought you to convict him of high treason even if he committed that crime himself; but there he was at the time this act was done; he knew it had been done, and I mention that circumstance for this reason, that he holds out that act—and uses it, not as was put by Mr. Denman, as a warning to others, not to come into mischief; he does put it as a warning, but as a mighty threat, "the Captain has shot one man at Mrs. Hepworth's, and you will be shot if you do not go." Is that warning a man from mischief, or is it not warning a man thus, "Mark me, sir, I call upon you to do such and such an act, and I warn you if it is not done, you will be shot;" that my learned friend calls a friendly warning, arising from the charity of the prisoner's disposition. I say no; it was a ferocious threat, instead of a friendly warning; and it was, as was put by my learned friend the solicitor-general, not a lamentation but an adoption of the act done by Brandreth, for the purpose of forwarding, through the medium of the terror of that act, the object they had in view.

The object they had in view, which was opposing and levying war against the government, was to be effected by another means, which I take leave to state marks the common design; was it merely that a certain number of persons, ready to make a riot for bread, or anything else, were to go on in that intention? no, but that all the persons who had no such intention, who were easy in their circumstances, who had families to attach them to their homes, who had an interest in the stability of their country—all those persons who were willing and contented to live under the laws of their country, were to be forced—were to be made rebels also, by force of arms—they were to be obliged to commit acts, subjecting them to the laws of their country, in order to enable these men to effectuate their abominable and wicked purpose. Good God, can any man describe this as a mere ebullition of a riotous disposition of deluded people; oh no; it shews a deep and serious purpose (whether they had means to effectuate it or not) to levy war—to raise men for the purpose of levying war against the king—aye, and to force into their ranks even those who were unwilling to join in any such purpose. Let it not be forgotten, that where they could not get the father to go, there they got the son: never let it be forgotten that their object was not merely to have a gun, but a gun and a man from every house. In some places they did not take the man; in my opinion, your countrymen did themselves infinite honour in resisting the sort of attack made upon them; it does them infinite honour, not only as courageous men, but infinitely more honour in point of goodness, and obedience to the laws and constitution of their country.

Here again I cannot help making an observation, when I speak of Elijah Hall, the very case to illustrate the observation of my

learned friend, as to the rebellion in 1745, and his question, "would you say that all who were acting were guilty?" No, certainly not. I will put the case of Elijah Hall, and of Mr. Hole and others; they had guns on their shoulders, but were they guilty? no, certainly not; because they had not the same intent and purpose; their bodies were carried along with the traitors, but their minds were abhorrent of that which they were about, and they made their escape as soon as they could.

Thus they went through a great many places, and I merely mention a great many places, as showing the deliberate plan and line of march and the course intended to be pursued, of taking guns from the persons in South-wingfield, and that there was hardly a house they missed in their line of march; for this reason, that they were extremely correct in their account of arms: who had made them so? William Turner, who produced a return of all the arms in South-wingfield, on Sunday the 8th, in order that they might be taken on Monday the 9th, in their march.

Now we come to Mr. Storer's. Let us see who came to Mr. Storer's, William Turner; he was the man who headed that party at first at Mr. Storer's; whilst Brandreth and a portion of the party were doing something at one house, other parties were employed at another house. Who headed them at Mr. Storer's? William Turner: who was one of the persons who addressed Mr. Storer? William Turner: who was the person who talked about the revolution, and about regaining liberty and the destruction of tyranny? I am not sure whether those words came from the mouth of William Turner; but it was in his presence, while acting as the Captain of that particular party, that those expressions were used; it was at Mr. Storer's, that they were told they should be shot if they did not comply, and he acquainted Brandreth that Mr. Storer would not go. Why then, do my learned friends mean to say, that William Turner was in the situation of a soldier in the rebel army misled by his officer? No, he was acting in a situation equally prominent with Brandreth's, only with this difference, some one must take the lead, and he, from the evidence, was acting as one of the seconds in the command upon that occasion.

But, let us come to an important conversation, namely, what passed at Mr. Raynor's; but before that, you will recollect, that they went to the premises of Mr. Sterland, and marched into the barn, and found three men, whom they forced to join them. Who was one of the persons who went to this barn? William Turner is one of the most active partizans throughout the whole course of the transaction.

Then we come to Mr. Raynor's. William Turner was the first man who entered the house; he had a gun in his hand; he presented his gun at him, and said—what?—a friendly warning!—"you had better go, be-

cause have shot one man?" no, this was his friendly warning, "damn your eyes, turn out;" he cocked his gun: the prisoner says (and he should have the benefit of all he says) the gun was not cocked; now, Mr. Raynor may or may not be mistaken in the fact of the prisoner's cocking his gun; but supposing that he did not cock it, whether he did or not makes no difference upon earth in the question we are trying; for if he was there and said, "damn your eyes turn out," and insisted upon his turning out and joining their party; if, as Mr. Raynor says, he told him to remember they had shot one, and he should be the other, what signifies whether he cocked his gun or not, or pretended to do it? "I told him I should not go; he jobbed me several times in the side with his gun," says Mr. Raynor; and then Mr. Raynor's gun was handed down from the joists of the room where it was; and then the prisoner, William Turner, charged that gun of Mr. Raynor's, and several other guns were charged at that time; then it was, that in the presence of William Turner, and I think by him, the declaration was made, that they were going to wipe off the national debt and begin again; that they were marching upon Nottingham, they said. Now, gentlemen, here is an important fact, they had half an hour to spare, and they would halt at his house; you observe in the outset of the proceeding they were to have got to Nottingham-forest by two in the morning; before they got to Nottingham-forest that hour had expired, and you will naturally ask how came they to have time to halt. They had sent George Weightman to Nottingham for intelligence. George Weightman was to meet them at Langley-mill. Mr. Raynor's house was shortly before they came to Langley-mill. George Weightman had not had time to come back to Langley-mill. Mr. Raynor's house was the last house before they got to Langley-mill, and therefore they had half an hour to wait; then Mr. Raynor says, that four or five pitch-forks were taken from his house; fifty men came into his house, and his servant James Raynor went with them, being compelled to go.

I will now allude shortly to that which passed at Nottingham. You will be pleased to recollect that declarations were made by different persons in the course of the transaction to different people, that they had better go, for if they did not, there would a cloud from the north come down next day; they expected a general rising in the country; Nottingham was to be the head point, and this party were marching to Nottingham, expecting to be joined there. What was going on on that very night at Nottingham? it has been proved by captain Philips that there was much agitation at Nottingham. Mr. Roper has proved to you, that on Nottingham-forest at twelve o'clock at night there was an assembly of an hundred men with poles, whether with pikes I care not; and those hundred men, at the only house at which we can trace them, namely, at Mr. Roper's, which

is a lone house, came for the express purpose of demanding arms, in the same way as the men at Pentridge and South-wingfield had done. Then I say, every thing stated by Martin and by Asbury is confirmed by witnesses upon whom I defy them to cast the least imputation. Martin and Asbury have told you in a most natural way, the delineation and the detail of the plan at the White-horse at Pentridge: and every witness I have called has proved that every thing which the conspirators said they intended to do, they did, nay, that there were preparations by persons in Nottingham-forest ready to receive these people when they should get to Nottingham-forest.

I really ought to apologize to you for having taken up so much of your time, but it is my duty not to omit any observations that occur to me in the course of the statement I have made to you. I agree with my learned friends that it is a most important consideration for the public, and for the prisoner at the bar. No juryman can ever, upon any occasion, be put into a jury-box to decide upon a crime punishable with loss of life, without feeling that he is put into a situation in which he is called upon by the duties he has to perform in society, which if he could exercise his will upon the subject he would willingly avoid; but it is a duty cast upon every man in his turn, and each man must and ought to perform it, and I am sure you will perform it, by considering calmly, deliberately, temperately, dispassionately, and yet firmly, what the case has been as proved before you. If I am correct in the statement I have made of the law, have you any doubt of the truth of the facts which have been proved? If you have not, what verdict, according to the evidence, can you give? You must either disbelieve the evidence, or the evidence proves the case; and I do really think (but what I think matters not, as I have said before, unless it is sanctioned by your judgment), that so far from this case leaving any doubt upon the mind of any one, that there is not a hinge or loop on which to hang one single doubt. If I am right in that, the necessary consequence must be that this prisoner must be found guilty; but having said that, let me again request you only to attend to the statement of the law as it shall come from the mouth of the learned judges, and to recollect that it is of the utmost importance for the welfare of this country, that justice should be correctly and impartially administered; that this never can be done from caprice and bias; it can only be impartially and justly administered when it is administered according to law.

SUMMING-UP.

Mr. Justice Dallas.—Gentlemen of the Jury; The evidence in this case, and the observations upon that evidence being now closed, it becomes my duty to draw your attention to the nature of this charge, to state the testimony by which it is supported, and the law which ap-

plies to the facts which have been proved. The charge itself is of high treason, the greatest crime which it is possible for a subject to commit. The indictment is founded upon two statutes on which the different counts are framed; the first being on the ancient statute of the 25th Edward 3rd, stat. 5, cap. 2, and the two others upon an act which passed in the 36th year of the present reign. The first count, in substance, charges levying war against the king, by assembling with others in great numbers, armed in a warlike manner, parading and marching, endeavouring by force and arms, to destroy the government and constitution of this realm as by law established.

The second count and the third, which are founded upon the latter statute, in substance, charge the assembling, the arming, the parading, the marching, the attacking the houses of many of the king's subjects, intending to destroy, if opposed, the soldiers of the king, and others of his majesty's subjects; and finally, to destroy and overturn the constitution and government of the realm as by law established. This is the substance of the second count; and the third, with a very little variation, charges the same sort of acts. But it has been very properly stated by the attorney-general (because the more unity and simplicity we give to subjects of this sort the better), that, in effect, the case in substance resolves itself into levying war against the king in his realm, with the specific intent charged.

Having thus pointed out the nature of the charge, I shall next state to you briefly what the law is, a applicable to a case of this description, reserving myself to enter more particularly into the subject hereafter, in consequence of observations which I have heard this day made by the counsel for the prisoner. The law as it relates generally to the present case, is this: "If there be an insurrection, that is a large rising of people, in order by force and violence to accomplish or avenge not any private objects of their own, or private quarrels of their own, but to effectuate any general public purpose, that is considered by the law as a levying of war against the king; there must be an insurrection; force must accompany that insurrection, and it must be for an object of a general nature; but if all the circumstances concur, that is sufficient to constitute the offence of levying war against the king." I will only add, that this point has been under the consideration of learned judges at different periods of time, and has received from all the same determination. If therefore in this case there has been an insurrection, force and violence made use of, and the intent, not to effect a private, but a general and public purpose, being the purpose charged in the indictment, then most undoubtedly war has been levied; the charge against the prisoner is made out, if such were his intent, and he were engaged in thus raising an insurrection, and upon this, as the law of the land applying to the fact, there can be no judicial doubt.

The next point that arises for consideration is, whether the facts which are in proof, bring the conduct of the prisoner, compared with the charge, within the law which I have stated. This must depend upon the facts; and the facts themselves upon the evidence; and therefore I shall now proceed to state to you, as accurately as I have been able to take it, all the evidence given, and which during so many hours has occupied so much of your attention.

The first witness who was called, is Anthony Martin, who has told you that he lived in the service of Messrs. Outram, Jessop, and company, at Butterley works, in June last. He says, "I know the prisoner; on the 8th of June in the morning, I went to Pentridge with John Cope; we went from Butterley; we arrived about ten, and went immediately to the White-horse public-house; first we went into the house part, and afterwards into the parlour. There were five or six people there at first; the people kept coming in, and Brandreth was one, George Weightman, Thomas and Joseph Weightman were also there. Nanny Weightman kept the house, and the persons whom I have last-mentioned are her sons. There is also another Weightman, Joseph, who lives in another part of the town. John Bacon and Ormond Booth, were also there. This was after dinner, between one and two. When I went in, Brandreth and others were there. There might be a score, Isaac Ludlam, Edward Moore, John Moore, Mac Kesswick, Elsdon, Shirley Asbury, and Bramley were all there, and they were all talking about the revolution, when Turner, the prisoner at the bar, came in. The conversation was about pikes, arms, pistols, and swords. He wanted to know of John Cope, if the Pentridge people were ready; where their arms were, and a list of them. Cope said, they had got a list, they had got a few guns but no pikes. The prisoner said, he thought their parish," meaning Wingfield, "was the most forward of the country, for that they had turned out in the day-time to get pike shafts. They were talking about drawing the badger. Cope said, he had heard there was a plan to draw the badger, and he wanted to know what it was. The prisoner said, they would lay down some straw, and set it on fire; the badger would come out, and they would shoot him. It was not explained who this was. The prisoner said, they had got vermin in their own parish, and meant to kill it. Turner produced a list or paper, and Ludlam read it. It contained an account of the arms in South-wingfield; and it was stated therein that they had got a quantity of pikes made, and that those pikes were ready, and deposited in a stone quarry. The conversation was public in the room; the room was open, and the houses were mentioned which were supposed to contain the arms, specifying each where the different arms were to be had. They mentioned George Godber's, colonel Halton's; and there was an account of the different houses; I do not recollect the particular names, but the paper

stated where all the houses were, to which they were to go, and they were all in Wingfield parish. The prisoner Brandreth," the person last tried, "had been there all the time. They addressed him as captain. He was sitting near the door; he had a map open before him, and was pointing out the different places where they were to assemble and go to, as I suppose. He pointed out where they were to meet on the map with a pin, and then he pricked it through with a pin; all this was openly discussed, and not a secret; and they said that nothing could be done without the overthrow of the present government. Turner took no part in this conversation about the government, but was present. Brandreth was the person who said that; and said it more than once;" and then he adds from recollection, "I cannot recollect that it was in the presence of Turner; but all the conversation was about a revolution, and how they were to get their arms. They were to go to Nottingham. Brandreth was the person who mentioned this. They were to go there in order to take the town; and when that was taken, they were to return and go to the barracks. He did not say in my hearing, or any one, what was to be done at the barracks, except that they were to go to the barracks till the next day, when a large party was to come. All the northern parts were to furnish people. I do not recollect the names of the particular places mentioned. They were to make barracks of Butterley works, where they were to return, and they were to take a part of the men at those works with them; they said they would make all go that would go, and those that would not go, they would shoot them. They said the tide could as soon be stopped as they. I cannot recollect what was said, as to success or failure of the enterprise; but they said they thought they should have a good succeeding. Then some verses were recited by Brandreth; and they were these:—

"Every man his skill must try,
He must turn out and not deny;
No bloody soldier must he dread,
He must turn out and fight for bread;
The time is come you plainly see,
That government opposed must be."

"I do not know that that was spoken while the prisoner was there. The prisoner wanted to know where the Ripley arms were; and wanted them to assist in drawing the badger, and killing the vermin in his parish. Cope said, he thought they should have enough to do in their own parish without assisting them. Turner said, he thought they could get through themselves, but they would rather have a little assistance. Then the prisoner talked about shooting the badger, and gathered money; each subscribed to send Joseph Weightman off to Nottingham, to know if the Nottingham people were ready; this was before Turner came into the room. I do not remember his saying anything about any party that was to

come from Nottingham. Mac Kesswick afterwards came in; he looked round, and he said he thought there were too many there for such a business. I do not recollect any particular conversation being had. When he came in, he asked the captain (Brandreth) how he was; the other looked at him as if at a stranger, and said he did not know him; upon which the other said, do not you remember my coming part of the road with you from Nottingham? and then he recollected him, and said he did. About three on Tuesday morning, I was disturbed at the Butterley works; I cannot remember whether the prisoner was there; two parties came; I saw the last party, in which was the prisoner's brother. I do not know who the leader of the second party was. They thundered at the door, and took some men along with them. Joseph Onion and John Walker were there. I do not know whether beyond taking the men, they took any arms from this place."

On his cross-examination, he says, "I went there," that is, to the public-house, "originally between nine and ten in the morning, with a friend of mine. I believe Cope was a person who was connected with this business, and he went there on it;" that is, as the witness states, he knew something about it. "I was a constable, but though such, I went with Cope, not knowing that he was going on that business when I went with him. I stayed from nine till three or four in the afternoon there, about six hours. Cope," he again says, "had something to do with these matters; he objected to some part of what they said; he entered into deliberation with the rest, and in some part of what was proposed he concurred. I took no part; I was drinking a pint of ale, and we were all conversing together in the parlour, and the room was always open; no secret was made of what was passing, and no endeavour was exerted to prevent my going away; but I waited in the room in order to go away with Cope, with whom I had come, and when Cope had finished his business we went home. The nearest residence of any justice of the peace was at the distance of two miles. I was frightened from going before a justice as they threatened to take my life: they threatened that if any person told, he should be shot. I did not know any thing of telling a justice of the peace. I told them to mind what they said: and I told them this many times. Though I had been sworn in a special constable, I did not understand that it was my duty to go before a justice of the peace. I had only been sworn in on the Saturday night before; and I conceived I was sworn in only to act in a case of riotous disturbance. I do not know what became of Cope on the Monday. I did not on our way home take Cope before any justice. I did not spend the evening with him, but I went home; we went along the road together; I had nothing to do with him afterwards; and on the road, and on going along, nothing was said by me to him about what had

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passed in this room; nor did any thing on this subject pass between us after we left the public-house." When he is asked why he did not go before a magistrate, he says, "I did not know what to think of this business; I did not understand it clearly. They had all had some little liquor, no great deal; I saw no arms in the room. I left between three and four. Part was over before the prisoner came to the room, but not the greatest part; though I cannot distinguish clearly what was said or what was done before the prisoner came into the room, from what passed after. I cannot recollect whether the prisoner was there at the time we were talking about overthrowing the government. I did not learn the verses there, but part only. I saw them on paper the next day, and I saw the paper handed about on the Sunday." And then he mentions Asbury, Cope, and Weightman, as persons to whom copies of those verses had been delivered; and by one or all of whom they had been shown to him. He says, "I recollected the lines, which I could not repeat when I was last before the Court," having been an evidence against Brandreth, "I had forgotten them at the moment of my examination, but I recollected the whole just after I went out of court; nobody has reminded me; the people were asking what the lines were, and I recollected them; I got them by heart in order that I might keep them secret; I did not mind much about keeping the secret, for they were spoken openly; and this was all I heard. I cannot say that I saw the prisoner on the Monday at Butterley."

Then, on his re-examination, he says, "the stone quarry was mentioned as the place in which the arms were deposited. I do not recollect what directions I myself received as special constable."

Then Shirley Asbury is next called. He says, "I live in the parish of Ripley, and worked at the time in question at the Butterley works; John Elsden was also a workman there in June last. On Sunday morning I took a walk with him, and I called at the White Horse public-house about twelve o'clock; I went into the kitchen first, and called for something to drink, not knowing there was any body in the house at the time. Mrs. Weightman, who kept the house then, went into the parlour, in which many people were assembled; and she told them there were some Butterley lads in the kitchen, and asked whether they might come in. I was a stranger; I knew none of them except the person with whom I went. They told her we might come in, for what they were doing there was no secret. She came and asked us if we would go into the parlour; I said I had no objection. We went in; and there were about twenty there. There were John Cope, Brandreth, Ormond Booth, Mac Kesswick, the prisoner Turner, Ludlam, the three Weightmans, Anthony Martin," the first witness, whose evidence I have read to you, "and some others; they were talking about the revolution that was to commence the next

night. Brandreth was the person who mentioned this; he took out a map, and pointed out different places as those where they were to assemble; I saw marks pricked with a pin upon the map. They were to overthrow the government; and they thought there would be no good done till this was effected. The prisoner was the person who said this; he came in about one o'clock: I did not hear what was to be done precisely in order to overturn the government; they were to go to Pentridge, to Wingfield, and to Nottingham Forest. The prisoner wanted Cope to go to Wingfield to join them. Cope said he would have nothing to do with them in their preparations, he had enough to do at home. They were, it was stated, to go and take Nottingham, and then to go to Newark; they said it would be like a journey of pleasure, to go down by the Trent boats. Brandreth was the person who said this; then the poetry was repeated," which I have already read to you, and need not therefore repeat again. "I remember Mac Kesswick coming in; he said there were too many for that sort of business. Ludlam came in with Turner at one o'clock, the old man, I cannot tell his christian name. When Turner produced the paper having the list upon it, he gave it to Ludlam, and he read it. What he read consisted of a specification of the arms that they had; the pistols and the spikes; and the prisoner said, they had forty spikes in a stone quarry for any men that volunteered; he said they would come from Wakefield and Chesterfield and Sheffield to meet them. They were talking of drawing the badger; they said they would put straw before the door, the badger would come out, and they would shoot him: William Turner said this. Turner wanted to know where the list was belonging to the Butterley people. They told him they had none: Cope said this. Turner seemed to make game of them because they were not so forward as they were at Wingfield, for that they went out to get pike shafts in the day time." It was to colonel Halton's they were to go to do what they called draw the badger, "in their own parish every man was to kill their own vermin; Turner was the person who said this, and he then asked Cope to go and help them at Wingfield; Cope said he should not go, he had enough to do at home. Turner the prisoner, said, that when at Nottingham, they were to get plenty of rum and roast beef, and one hundred guineas each; they seemed to be in good spirits, and said there would be no good till the government was overthrown; they said there was no doubt they should succeed in what they were going to undertake. Edward Moore was there; he took no part in the conversation, except that generally he was talking among the rest; I do not recollect particularly what he said. Money was gathered for Joseph Weightman to go to Nottingham; he was to go there to bring information how they were going on. Brandreth was to be the captain; he wanted a barrel of gunpowder to

be produced, that he might tell them how to make cartridges; and as to lead, he said, there would be plenty of that on the road from the churches."

Then, on his cross-examination, he says, "I came this morning from the Old Flower Pot, in this town. Since I was last here, I have talked with Martin about this; but I did not teach him the verses. Turner was not there when I first went. I might say, when examined before, that Turner was there when I first came, but I do not know that I did say so; but if I did, I was wrong in saying so." Now, the question put to him before was equivocal in itself; he being desired to mention the persons who were there, mentioned all the names, amongst which was Turner's. He says, "I do not recollect having had any conversation with Martin since the time till I was examined before, as to when Turner came into the room; but if I did say Turner was there, I said that which was not correct. Both Brandreth and Turner said there would be no good till the government was overturned: both said it, the one after the other. Turner continued there after this conversation till they broke up. William Turner was the person who mentioned it first:" that is, that no good would be done till the government was overturned. "Brandreth repeated it afterwards, and said the same thing. The first witness, Martin, was all the time in the room;" and Martin not having mentioned any part of this conversation, this witness is asked whether Martin must not have heard it? to which he says, that Martin was out occasionally, once, twice, or thrice; that he was backwards and forwards, and might not have heard every part of the conversation; but the witness swears that he himself did. He says, "I was not taken up on this business; but I first told it when I was called upon. This was not in the course of the same week, or of the same month. I did not volunteer in giving any information; I did not know it was my duty to tell; I was sworn in as a constable, and I said, there are constables in the room. They said, if we said any thing, they would put us up the chimney. I was sworn in to protect my master's place; I ate his bread; and though I heard all this, I did not disclose it; but I swear I did not do it because I did not know it was my duty so to do; and I was only sworn in the night before. Both Brandreth and the prisoners said the same as to going to Nottingham, and having one hundred guineas. They said it in the room where I was; and besides this, it was said generally; not to me only, but to me as well as the rest, and not so soon as they came in. Cope is here—not at the Flower Pot. Since Thursday I cannot say that I have spoken to Martin about the evidence in this cause; but I have said something to him. I gave money for Joseph Weightman to go to Nottingham. I did not receive any. Brandreth subscribed, and I gave sixpence. I did not know what I was giving it for. They asked me for sixpence, and did

not tell me what it was for till afterwards. Turner did not tell me what it was for, but it was mentioned in the room to send Joseph Weightman to Nottingham to know what was going on. I stayed in this room from one or two till four. I was not prevented from going away, and I did not ask for my sixpence back. At length I went home, and to Jessop's—the next day to Butterley works; there I saw Mr. Goodwin, but I did not tell him what had passed, nor Mr. Wragg, nor any magistrate; because I did not know it was my duty so to do."

The next witness who is called is Thomas Turner, who describes himself as a frame-work knitter. He says, "In June last I lived with my father, at or near South-wingfield. I have been taken up upon this business, and in custody for some time past. On the evening of the 9th of June, I left my father's house; it was nearly nine; and I was in company with Samuel Ludlam and John Walker. We went to facing the meeting-house in South-wingfield, opposite nearly to colonel Halton's gate, and there I saw the prisoner at the bar. I have known him long; he was with George Weightman and Brandreth; and each of them had a gun. They were two or three hundred yards from Balguybrook, and from colonel Halton's gate, and" he says, "the prisoner was loading his gun with bullets; I was very near when he was doing this. George Weightman said, come hads I expect an engagement very soon at Butterley furnace with Jessop's men, but I do not expect it will last long; the prisoner told us where we were to meet, that was at Hunt's-barn; I did not know Brandreth before. I asked the prisoner who Brandreth was, and the prisoner said he is our Captain from Nottingham; they all three went to the barn, and I and the others followed; the other three went first; there were men assembled at the barn, perhaps a score or better; they were armed; they had pikes, guns and swords; those arms were in their hands, and beyond those there were a few spikes by the road side; William Barker was there, he had a spike; John Hill had a spike, Ludlam the same; Robert Turner I think had a sword: I cannot recollect whether he had a sword then; but I saw him with a sword afterwards. Manchester Turner, the man who had lost an eye, had also a sword, and Charles Swaine had a spike. I cannot recollect that I heard Brandreth say where we were to go to, but I heard Weightman say we must go to Topham's; captain Brandreth said we must go to Nottingham-forest, and when there there would be a great many come to meet us; we went away; we were formed before we went away in order by the prisoner at the bar and by Brandreth, into rank like soldiers. I received a bag of bullets from George Bramley to carry; we marched to Topham's ground, better than a score; and Brandreth commanded us on the march; we went to Mr. Hardwick's, I saw nothing taken there; the party went next to Tomlinson's, I did not go

there; I delivered the bullets to Samuel Ludlam, and went the nearest way to meet them at Topham's-close, where I expected the Pentridge people were to have met us, which I learned from George Weightman, but none joined us till we got to Topham's-close, when Isaac Ludlam and his two sons, Isaac and William, did; they had each a spike; the Pentridge people did not come; it was agreed George Weightman was to take the bag of bullets, and if he met them to turn them back to Pentridge-lane-end. Weightman took the bag of bullets and went that way, accompanied by Brandreth and the prisoner, to Elijah Hall's; when they got there, Hall was on the outside of the door, dressed; he had a son, and at this place a gun and the son were taken; he did not give them up willingly, they were taken by force, and for this purpose Brandreth went into the house; I saw the prisoner at the door, I cannot say that I saw him in the house. We next went to Mr. Walker's, and there I saw a pistol taken; Brandreth had it, and put it into his apron, which went round his waist like a belt, and it appeared to me to be a brass-barrelled pistol. I cannot say whether William Turner was there. Barker was at Hall's; he told Mr. Hall he had waited long for that day to come, but that it had come at last. We went to Mr. Bestwick's, there the windows were broken; I heard the sound, but did not see it done. We went to Samuel Hunt's next; he gave us bread and cheese and beer; he dressed, and when his man dressed, they came with us; the prisoner was with us, and was actually in Hunt's house. We went next to Mrs. Hepworth's, and there a gun was taken; Brandreth was the first person who demanded admission, others of the party seconded him in so doing, but admission was not given; they were asked what they wanted; they said they wanted a gun out of the house; it was refused; they attempted to break in; and the windows I think were broken, not the fastenings, but the windows; large stones were thrown at the door by Samuel Hunt; Brandreth shot through the window and killed Robert Walters; I saw him lying dying or dead upon the floor afterwards. I told Brandreth, he should not have shot that innocent young man; he said it was his duty to do so, and he would do it, and if I said any thing more he would blow my brains out; I was three or four yards from him; Elijah Hall was near, and William Ludlam. I saw the prisoner in the yard a minute or two before Robert Walters was killed; and after Walters had fallen by the shot discharged by Brandreth, the gun was delivered. We went next to Pentridge-lane-end, and met with a party from different places of about a score. About this time the size of our party altogether amounted to forty or fifty; most of those who joined were armed like ourselves; some had guns, some had spikes. While at Pentridge-lane-end, I heard a noise of the same kind as I had heard at other houses; there was a great disturbance at Butterley, and then I heard

other noises, and at last they got men from Butterley; I do not know whether they got arms; and then they afterwards marched towards Pentridge: in marching to Pentridge, Brandreth asked whether any had been in the militia and knew discipline, because they must turn out and keep the men in order; Charles Swaine turned out, he said he had been in the militia, and they were formed into ranks by Brandreth, by the prisoner, and by Charles Swaine; those who had guns were placed in the first rank, those who had spikes, in the rear; we were two and two, and marched in this way to Pentridge, under the command of Brandreth, and the prisoner at the bar appeared to be the second in command; at Pentridge, Edward Turner and Joseph Turner, and several others joined; Edward had a gun; of the remainder, some had guns some not, the rest had spikes; at Pentridge I did not see the arms taken, but that they were taken I believe, from the noise which I heard from the people being called up; George Weightman rejoined us a little before we got to Pentridge; we went to William Booth's, his poney was taken, and I saw George Weightman with it; a person of the name of Storer was placed upon the poney, he pretended to be ill, which was the reason for putting him upon it; we then marched to Butterley; when we were near the office, Mr. Goodwin came out, and something passed which I did not hear, and therefore do not know what it was; we were then marched by Brandreth, to Ripley, and the prisoner continued to accompany us all the time; when we arrived at Ripley, we were ordered to halt and give three cheers; I did not hear it said for what purpose; we then went to Codnor, to a public-house called the Glass-house, we got some ale there; the landlord was knocked up, and the prisoner and Brandreth ordered the bill; it amounted to about eight and twenty shillings: then we went to a farm-yard near Codnor; the prisoner, with his brother and others, were present during all this time; we brought three men out of the barn, we were not then in rank, they were placed in our body, they went not very willingly; we then went to Langley-mill, and met in our way George Weightman on Booth's poney; he had been to Nottingham, as I understood; he said that Nottingham had risen and was taken, and that the soldiers would not come out of the barracks, and we must march on; we did; I went two or three miles with them towards Eastwood, and then with some others I quitted them there; at this time, the rest were going towards Nottingham, but there were few left; when I left them, Brandreth and the prisoner at the bar were consulting together; William Turner was never in the line, and appeared throughout the whole of these proceedings, to be the second in command."

On cross-examination, he says, "I had a weapon; I threw it down when I escaped, by one side of the road by some nettles; and I afterwards pointed it out to some soldiers, I

am a frame-work knitter; I was at this time in full employ. I saw Brandreth fire; I blamed him for it. The man appeared to be killed, as he was lying on the floor, I did not hear several others blame him for it. I do not believe the prisoner was in sight or near him when he shot. I might quit them between nine and ten, the following morning. The men dropped off fast, and there were very few left at last. They were going off scattering in different directions. I should think there might be a dozen or a score, when I quitted."

On his re-examination, he says, "There were more parties than one; some were forwards, some were backwards, some elsewhere; there were few remained with Brandreth and the prisoner at the bar."

I have hitherto stated to you, I fear but a very inconsiderable part of the evidence; the remainder will occupy probably a very considerable portion of time; and therefore I beg you will be seated.

Henry Tomlinson is next called, who tells you that he is a farmer at Wingfield-park; he says, "on the 9th of June, I saw John Machin at my house, at about a quarter before ten; I got information from him, and in consequence of that information, my wife and I locked the door and went into the yard; as we stood at one end of it, a quantity of people came in at the other end, they went up to the house door and began to rattle at it; I went up to them and asked them what they wanted; their number appeared to be between thirty and forty: they were armed, some with spikes, some with guns, and they said if I would not open the door they would break it, and search my house for my gun. I knew the prisoner, I saw him and I spoke to him; I opened the door, and the captain and another man followed me in; at this time I did not know precisely all those that went in; they insisted upon taking my gun and upon searching my house; and I fetched them the gun from the tester of my bed and delivered it to them; they then went out, and I went out and stood just within the door; they said to me, come you must go; upon which I said I would not; they said you had better go now than wait till the morning, for that there was a great gang coming from Sheffield, and a great cloud from the north, which would sweep all before them; I told them I would not go, but stop till the morning; then the captain, Brandreth, levelled his gun, and swore he would shoot me; the crowd said damn his eyes strike his head off; some said bring him, others said leave him, others said never mind; the captain said they were going to Nottingham, that he should be there by half past eight or nine in the morning; that London would be taken by the time they got to Nottingham, and then they need go no further; I locked the door and went into the yard, and George Weightman was there, whom I knew; there were three others there whom I knew; they gave me a spike, but I asked to have my own gun; they

said I should not have it, I must have a spike; I went with them about three hundred yards; George Weightman took the spike and bade me turn again; in my own yard I had said to him it was a very hard case to offer to take me away, and to leave my wife without protection in a solitary place; he said it was, and then he gave me a nudge; I spoke to the prisoner in the yard, and said, William is that you, and the prisoner answered, yes."

Then upon being cross-examined he says, "I went with them because they forced me to it. I do not recollect Wakefield or Huddersfield being mentioned; the Captain talked about Sheffield and a cloud from the north."

Elijah Hall senior is next called, who tells you that he is a farmer and miller, and that he lives at South-wingfield-park. He says, "I had closed my doors and fastened them on Monday about eleven o'clock at night; a part of my family was gone to bed. I heard the footsteps of two men approaching the door, and when they had approached it, they asked me whether any men had been at my house that night for guns; I told them there had; they said, have they taken any away; I told them they had; they then went away. I opened the door, and went out to see whether anybody was without with an intent to take away the fire-arms, and I saw a number of men coming into my yard, advancing towards my door; this was a few minutes after the two men had gone away; they were armed with pikes and guns, and one of them had a sword. I asked them what they were doing there at that time of the night; some of them said they wanted a bigger loaf, and the times altered. I told them it was not in my power to give them a bigger loaf, or to alter the times; they said, they did not suppose it was, but they wanted my fire-arms. I told them I had none for them; they said they knew positively that I had; and I had better deliver them up to prevent further mischief, that was to prevent the house from being fired; they then advanced towards the door, and demanded entrance; I told them it was not in my power to open the door, I being at this time on the outside of the door as well as themselves; they then endeavoured to force the door with pikes and other weapons; a gun was then given through one of the windows; they then required me to go along with them; I told them I should not; some then said, he has sons, we will take them; the captain said, if he has sons, we will take the young, and not the old man; the captain said, we must force the door, this was in answer to a question by the others, how must it be? he ordered them to blow the door in pieces; a little time before this I had heard a gun go off at a village at about the distance of half a mile; they then tried to force the door open, and when the captain was ordering the men to blow it in pieces, somebody from within opened the door; and the door being opened, the captain and several others went in, and I did the same; there were twelve or more went in. I had not

heard of the general purpose; when I got into the house I heard of it; when I got in, they demanded my sons, and they told me to fetch them; I told them I should not; the captain gave me two pushes with the muzzle of his gun, presented it at me, and told me he would blow my brains out if I did not immediately light a candle, and fetch my sons to go along with them. I told him I should not; he took a candle from some one of the family, lighted it at the fire, and then went up stairs, and several others followed him; I heard them threaten my sons to hush them in pieces, or to hush them up if they would not go with them; they brought my son Elijah down; I have several children and several sons, but of those two only are grown up; they brought Elijah down, part dressed, and they compelled him to finish dressing, all but tying his shoes. They were hunting about for more fire arms. I asked the captain where he was going; he said to Nottingham, and that he believed Nottingham was taken at that time; he said they should proceed from Nottingham to London, wipe off the national debt, and begin afresh; when out of the house I saw that they had taken my son. I followed them, and desired them not to take him, but they said they would, they said I need be under no apprehension, they would bring him back and the gun; he had better go with his neighbours whom he knew, than go the next day with those he did not know, for he believed there were thousands coming who would be there the next day; the captain and Ludlam, senior and junior, had been there, and William Ludlam, William Barker, Thomas Turner and Robert Turner, I cannot positively say I saw the prisoner that night, but I suppose I heard his voice."

Then Elijah Hall, the son of the last witness, is called, and he tells you, he lives with his father; he says, "the family was disturbed on the 9th of June, after they had gone to bed, by a great quantity of people; several people came into my bed-room between eleven and twelve, or thereabouts, some with guns and some with swords, requiring me to get out of my bed, and go along with them; I went with them, because I was compelled to do it; when I went down there were many others below; they were standing close together, I dressed and went with them; I saw several I knew, the Nottingham captain was there. I did not observe any other persons I knew in the house, but in the road I saw Ludlam the father, and the two sons, and Manchester Turner, whom I knew by sight. I did not see the prisoner within thirty or forty yards of the house, but there I did, and he had a gun with him, and he joined the rest of the party; we went first to Isaac Walker's, there we demanded arms; a gun was asked for. I knew the prisoner before; I have no reason to recollect whether I was nearer to him than thirty or forty yards, nor do I believe him to have been nearer to this spot; we got a gun and a pistol; Mr. Isaac Walker gave them not willingly, but be-

cause they threatened to shoot him if he did not give them. From thence they went to Bestwick's, into his house, and brought out a gun, they made a noise first, they did not get a man there, and they carried the gun away with them, the prisoner was with us, we went next to Samuel Hunt's, three or four closes off, went into the house, and most of the party got bread and cheese and beer. Hunt dressed and came along with them and his man, a gun being got from this place, the man carried the gun; from thence we went to Mary Hepworth's, which is several closes from Hunt's; the prisoner continued with us; he was very near; there was a great disturbance at the door, and they demanded men and arms, but they got none; when they demanded men and arms, and the answer was they had got none, the window was broken; I do not know by which of the party: then a gun went off from the hand of the Nottingham captain, and shot Mrs. Hepworth's man, Robert Walters. I did not see the prisoner at that time; I saw him before I left the house not far off, in the yard, and near the house, but I cannot say that I saw him near Brandreth, Manchester Turner, William Turner, Isaac Ludlam, and William Ludlam, were also there, the rest of the party were about the place, after this we got one gun at Mrs. Hepworth's, and from thence we went to Pentridge-lane-end, where they got several men by force, most of those whom they got were in bed when they went up to the houses; I heard a great noise at several doors; I do not know whether they got arms as well as men; they then went to Pentridge, broke into several houses for men and arms; I do not know whether they got any there, for here I left them; they were breaking into some house, and I got away, and went home as soon and as fast as I could."

The next witness who is called is Isaac Walker; he tells you he is a farmer at Southwingfield-park; he says, "I was disturbed on the 9th of June, by persons coming to my house about half-past eleven, having retired with my family to bed; on being disturbed, and looking out, I saw about forty persons coming up the yard to the front of the house, armed with pikes and guns; they demanded a gun a brace of pistols and a servant man; I told them I had a gun, but no pistols; they said they were determined to have my gun and pistols too: I was at this time at the bed-room window; they were speaking from the yard below, and pointed a gun at me; the captain did (the man who appeared to be captain), and said if I did not deliver up my arms they would fire; he ordered them to break the door open; with that I went down and opened the back-door, not the front door; they were then there, and afterwards went round to meet me at the back-door; I took the gun down from where it hung, and delivered it them; they then demanded my servant; I told them I had none; they went away, and I fastened the door, and was going up to bed, but they knocked again;

I then asked them what they were coming back for; and where they were going to; they said they were going to Nottingham, and that they were come back, for that they knew I had a pistol, and were determined to have it; if I had not two I had one; I told them I had one, but I begged they would let me keep it; they said they had orders to take all I had, and then I was forced to give it them; I gave it to the captain, he asked me if it was loaded; I told him it was, and he fired it off at the door; I did not see where he put it, but he had it in his hand when he fired it off; I knew Isaac Ludlam, William Barker, and Thomas Maslam or Masden, but I did not know any of the others."

Then, upon being cross-examined, he says, "I have lived at Wingfield for five and twenty years; I have not known William Turner long; during all this time, I have known nothing one way or the other as to his general character."

Mary Hepworth is next called, who says, "I occupy a farm in Southwingfield, and did so in June last; I was disturbed between eleven and twelve, being then in bed, by a loud knocking at the door and windows; I got up and came down stairs, and found William Hepworth my son, and my two servant men, Fox and Robert Walters, in the kitchen; the men on the outside called out for guns and men; I told them they should have neither guns nor men; they then moved to the front part of the house; some broke the kitchen window; the shutter was on the inside, and that was broken and forced into the room, and they continued to demand the guns and men; a gun or pistol, I do not know which, was then immediately fired into the kitchen, and Robert Walters was shot and killed by it, at least he died in perhaps ten minutes; he was stooping down, when the firing took place, in the act of putting his boots on, and the ball entered his neck; I was then obliged to give them the gun; they still continued to call out for a gun and a man, and a gun was given to them out of the window; they did not take any men; I told them they should have none; they told me they would serve me the same if I did not retire from the window; I told them that they had shot one man, and said was not that sufficient; they said they would serve me the same if I was not silent; After they were gone away I went out; I saw a pike that was found, and there were a great many stones at the door; the pike found is like that little one (referring to one you saw displayed upon the table), but it had a shorter stick and a longer iron."

Joseph Wilkinson was next called; he says, "I lived with my father at South-wingfield on Sunday the 8th, and Monday the 9th of June, before the rising took place; in the afternoon of Monday I was at the house of a person of the name of Farnley, about half a mile from Thorpe-hill-wood; I saw some persons go by; Isaac Ludlam, James Taylor, Joseph Taylor, and Benjamin Taylor; I saw them afterwards,

returning from the wood ; they had with them poles about three yards long ; they were carrying them on their shoulders ; the bark was not then off them, and they had two or three each ; on that evening I happened to go to James Taylor's, at about seven o'clock ; there I saw George Weightman, William Ludlam, James Taylor, Isaac Ludlam ; the bark was now off the poles ; I did not see anything put upon them, nor did I afterwards see them when armed with any iron that night ; about twenty people came to my father's house ; some unarmed and some armed with spikes and the poles ; the poles were about the size of the poles I have seen here ; James Taylor, Abraham James, Miles Bacon, and George Weightman were there, but did not come up to the door ; one of James Taylor's brothers was there, but I did not know his Christian name ; a pike was put into my hand by James Taylor ; I went with him to Frickley's ; they there got nothing ; they went next to Mr. Marriot's wire-mill ; there they got a gun ; James Taylor was there ; George Weightman demanded it, and I afterwards joined a large party at Mr. Fletcher's ; Brandreth was the captain, and the prisoner was of the party ; he had a gun ; Edward Turner was in it ; Thomas Turner was in it, they both had guns ; another Turner was also in it, that is Manchester Turner, and he had a sword ; Samuel Hunt, had a pike ; I cannot say whether Samuel Ludlam was there, but William Ludlam was, and had a pike ; the captain had a pistol and a gun ; I went with the party beyond Eastwood ; I do not know whether the captain went all the way ; I did not see him when I left the party ; I do not know whether the prisoner did, but I saw him at the lane end with a gun ; I cannot recollect seeing him any where else ; I went through Pentridge with them and to Codnor, and thence to Eastwood."

Then Samuel Fletcher was called ; he says, " On the 9th of June last I lived at Pentridge-lane-end ; I went to bed with my family about eleven o'clock ; about twelve I heard a very great noise at the door, as if persons were breaking in ; I got up out of bed, and ran towards the window and opened it ; I saw thirty persons and more, five or six of them with guns, which they levelled at my head, all standing round the window ; the others appeared to have large sticks or poles ; they cried out, ' Your arms, your arms, damn you, we want your arms.' I said, ' What arms ? ' they said, ' your fire-arms ; bring them down and open the door, or we will blow your brains out ; ' I said I had got but one ; they kept on swearing that they would blow my brains out ; I ran to the other side of the house to get away ; there appeared nearly as many there as on the other side ; finding I could not escape I stood where I was, and they kept on beating at that door, and swearing very hard ; I ordered my servant Shipman, to fetch the gun down ; he fetched it, and it was handed out of the window ; the person who took it desired to have the butt-end

towards himself ; they said, ' get you dressed, or we will blow your brains out ; ' and then they called out for Shipman to go with them, saying that if he did not they would blow his brains out, and I desired him, he going with them, to take notice who they were. I said, ' thou knowest them, they are all Pentridge and Wingfield people : escape as soon as you can and come back to me ; while you are with them, observe them and what they do.' "

William Shipman is a servant to Mr. Fletcher. He says, " I was disturbed on the night of the 9th of June last, about twelve o'clock, by a knocking at the door which aroused me ; I rose and looked out at the window, and saw Joseph Topham and several other persons, who told me I must come and go with them ; they said, they had a man and a gun from every house, and they must have one from this. The captain bade me come down, or that he would blow my brains out ; he said he had shot one man already, and he would shoot me if I did not come down ; I afterwards came down and joined them under compulsion ; I went with them as far as Kimberley, beyond Eastwood, on the road to Nottingham ; then we went to Pentridge-lane-end, through Pentridge ; in the way there, I saw James Weightman near the meeting-house ; he had in his hand a hat-full of bullets ; I took three or four out ; he said, ' do not take any, for we shall be short enough ; ' Thomas Weightman was there ; this was ten yards after I had seen the bullets ; he said, James and he had orders to make the bullets, and to make cartridges ; I saw George Weightman at this time there ; one Tapleton of Heage told him there were two barrels of gunpowder at a place he mentioned ; but that they had not strength enough to get it out. Heage is about two miles from Pentridge. They knocked at many houses at Pentridge while I was with them, calling for arms. I heard the conversation about the barrel of gunpowder. Young Weightman went off, and I afterwards saw him on a poney riding towards Nottingham. We went to Butterley, then to Codnor, then to Langley-mill, and there we met George Weightman. We stopped at Raynors', on the side of the road to Langley-mill. We met George Weightman on his return from Nottingham. The poney was sweating very bad. At Nottingham he said they were going on well ; that the soldiers were in the barracks, and if we marched forwards, we should have nothing to do when we got there. The prisoner was with this party. I saw him at Pentridge-lane-end, and I saw him at Codnor. He had a gun there. They formed us in ranks opposite Mr. Storer's. The captain picked out a serjeant who was to be over us. The prisoner marched by the side of the men, and the captain, Brandreth, did the same. I saw him (the prisoner) at Langley-mill, I saw him at Raynors', and the last I saw of him was at Eastwood, and there they formed us into ranks. I cannot say whether the prisoner assisted, but

he was by the side. At Kimberley I got away, and returned to my master: I went with them a little distance beyond Eastwood; as far as Kimberley."

On his cross-examination he says, "I did not see William Turner, the prisoner, take any part in forming us into ranks, nor at my master's house; but I saw him about a quarter of a mile from it. I did not see him when I left the party; but I saw him as far as Eastwood. I cannot say how long he was with the party. I saw him at Codnor and at Raynor's."

On his re-examination he says, "I saw him at Storer's, which is four miles from Codnor. I saw him at Eastwood, which is three miles further. I do not recollect seeing him after that; so that he had seen him for seven miles, or thereabouts."

Henry Hole lives at Pentridge-lane-end. He says, "On the 8th of June I saw before George Turner's door Samuel Hunt, and eight or ten others. I had gone for a jug of milk to a neighbour's house, and I met Samuel Hunt on the turnpike road. He said, 'thou art fetching that for the men to night.' I said, 'what men?' He said, 'those revolutioners who will come to-night or to-morrow night.' I said, 'no, I believe not;' and he offered to lay me a wager of five shillings that they would come that night or the Monday night, the next night. About twelve o'clock on the Monday night, my wife and I were awoke by a violent knocking at the door. I got up to the window, and cried out, 'who is there? what do you want?' They said, 'we want you to volunteer yourself to go with us, or else we will break the door down, and murder you.' I went down and opened the door, and I saw four men, two of whom I knew, Joseph Weightman and Joseph Topham, the two others I did not know. They had pikes similar to those on the table. I asked where they were going? They said, 'to Nottingham.' I said, 'I could not pretend to go with them; that I had no money to carry me there, nor any body to take care of my family while I was gone.' They said they would keep me on roast beef and ale, and that people were fixed (who would come in two days) to take care of every man's family. I went out: a pike was forced upon me. They said, I had better go that night, than stop till morning; that they would come in a cloud out of Yorkshire the next morning, and sweep all before them; and those who refused to go would all be shot. I told them, if they were going to Nottingham, I should not be able to carry the pike, it was so heavy. I threw it down, and one picked it up. I had gone about twenty or thirty yards along the turnpike-road, when I saw twenty or thirty men armed with guns and other weapons. I went to Fletcher's. I saw the captain there, but I did not know him particularly. I saw the prisoner there, and Manchester Turner. I saw Ludlam senior, William Ludlam, William Turner, by whom I mean the prisoner. I had known him eight

or nine years. The party in which the prisoner was, came up as I was going into Fletcher's yard. I heard a gun fired about Mrs. Hepworth's, and the party seemed to come from that direction. Brandreth was among them, and had a pistol and a gun. The prisoner, when I first saw him, had a gun in his hand; the Ludlams had pikes. They were all armed, and took William Shipman from Fletcher's. Brandreth gave the word of command, and the prisoner marched as a sort of officer—sometimes by the side, sometimes in the front, with Brandreth. We formed into line at Pentridge-lane-end, and the prisoner assisted. We divided there into two parties. This was before they were put into ranks. After they were formed into ranks, the party I was with went to Samuel Booth's. The prisoner was with the other party. We took Mr. Booth's son Hugh, and from Buckland Hollow three men. I saw George Weightman upon William Booth's poney. I had some conversation about the shooting with William Ludlam. I asked who it was? he said Robert Walters. I afterwards went to Butterley works; the prisoner and Brandreth walked together in front of the party, and knocked at the door with the butt ends of their guns. George Goodwin came to the door, and said, 'what do you want?' and the prisoner said, 'your men;' he said, 'you have a great deal too many already, without it were a better object;' and then they marched off towards Ripley; we went by the turnpike-road to Ripley; there we halted, and Brandreth said we must give three cheers at Ripley, to let them know how we were going on. When we left Ripley, we were marched on towards Codnor, and halted at the glass-house, and there we had some ale. While we were there I saw John Bacon, whom I saw before we got to Butterley; he marched as well as us. I heard him make a speech; he said that government had robbed them and plundered them of all they ever had; this was the last shift they could ever make, they must either fight or starve. Before we left the glass-house we were joined by a party that came up to us, headed by Manchester Turner; he was not with us before. The landlord then gave Bacon and Brandreth the bill at the Glass House, and they said they would pay in a fortnight, when the job was over. We were next joined by a party that came from Swanwick; we then went along the road for Langley-mill, and halted again at Raynor's; and I stood in the ranks. I could hear part of what passed, but not all. I heard the prisoner order the men to go in and take his man and his gun; this was at Raynor's. Young Raynor said he would not go; the prisoner said if he would not go he would shoot him; he said he would rather suffer than go; the prisoner went out and called Brandreth to his assistance, who came and said 'if you do not turn out, I will blow a bullet through you.' A great deal of bad language was used by the prisoner and Brandreth to Raynor. They took away Ray-

war's man and gun, and a pitch fork. We then proceeded on the road towards Langley-mill, and in our way we met a man with five cows; we took him away with us by compulsion; we met George Weightman at Langley-mill upon a poney; he said, being asked the question, 'all is right; they have bombarded Nottingham at two o'clock this morning, and it is given up to them, only keep marching on;' and they kept marching on. The captain Brandreth, and the prisoner William Turner, had some private conversation, and then we marched on to Eastwood. I saw James Barnes; he had a gun in his hand; he came from Swanwick with the party, and joined at Codnor; I said to him, 'art thou one of them;' and he said, 'yes.' I asked him what they were going to do at Nottingham; he said they had fixed up a fresh government at Nottingham; and they were going there to defend it until the other counties came into their terms; he said that by a letter he had yesterday seen from London, the keys of the Tower would be given up to the Hampden-club party, if they were not already; he said he had never been seated since four o'clock yesterday morning five minutes together. I asked him what he had been doing; he said he had been providing guns, spikes, and ammunition at Eastwood. The companies seemed quite disordered, and Brandreth ordered them into the ranks. I went into rank again; I stayed a few minutes, and then I turned out of the rank. Brandreth came and ordered me into the rank; I said I would not go in again for him or any of his men. I was armed with a stack paring knife; when I said I would not go in again, I saw him cock his gun; the knife with which I was armed was put into a stick about a yard long; when he cocked his gun, I stepped up to him, and said if he offered to level his gun I would hack his head off; he stood a little while, and then he turned off from me. I marched back towards Langley-mill; I went about fifty or sixty yards, and then I heard a cry of 'do not shoot.' I turned round, and I saw Brandreth with his gun up to his shoulder, and pointed towards me; I saw Thomas Turner take hold of him and pull the gun off; marching a little further Savage followed me; he had a short pistol, and said if I did not turn back he would blow a bullet through me. At Codnor we were about two hundred strong; on my return I saw a party of about fifty apparently, some of them were armed; but the biggest part had no arms. I saw a party afterwards which appeared to be about sixty; in short, I think altogether there might be better than three hundred men in these several transactions of which I have spoken. The prisoner appeared to be a sort of captain or commander under Brandreth, under whom we all were."

Then, upon his cross-examination, he says, "Nobody heard what Barnes said but myself; Turner was not in the room when Bacon said what he did."

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William Booth tells you, that in June last he lived at Pentridge-lane-end. He says, "on Monday, the 9th of June, I was disturbed between twelve at night and one in the morning, by a parcel of men, who came with pikes and guns, rapping at the door. I got up and went to the window, and I observed a quantity of men standing round the door, some with spikes and some with guns; they called loudly, and I went to the window, saying, 'what do you want;'—'you and your guns,' was the answer. I said, 'I have no guns;' and they replied, 'then we must have you.' I said, 'I cannot go, I am ballotted for the militia, and must go to Derby to-day.' They said, 'come down and open the door, we will free you from the militia; or if you do not come down, I will blow your brains out.' This was said all by one person. I went down stairs, they were breaking the door; there was a large iron bolt to the door, and as I was drawing the bolt, part fell into my hand. I observed many people when the door was opened, some had guns, some had spikes; six or eight rushed into the house. The captain said, 'where are your clothes?' I said, 'they are up stairs,' and he told me to put them on immediately. I went up stairs, nobody went up with me; the captain and some others lighted a candle and followed me up. The prisoner was one who followed me up stairs. Above, the captain ordered me to dress as fast as I could. I said, 'I would make what haste I could.' The captain said, 'make haste; look sharp or I will blow your brains out.' The prisoner was one up stairs at this time. The captain told me to look sharp; and said, 'you seem to wish me to shoot you.' I said, 'I had rather you would not.' He said, 'If you do not look sharp I shall.' They took me down stairs into the house place. I was going to set down on the squab to put my boots on, and to lace them; and he said, 'if I stayed to lace my boots, he would blow me through.' They drove me out of the house before them. One called me by my surname, and said, 'have not you a gun;' and I said, 'no.' They said, 'you must take a fork.' I told them I could not find one; I took nothing with me at all. They took me to the end of the lane, out of the yard into the high road, and there I saw a number of men standing in ranks, two deep; some had arms, some had not; some had pikes, and some had guns. The captain took me along the ranks, until he came to a man with a gun, and he said to him, 'take this man as a prisoner, if he offers to get away, shoot him.' When in Pentridge-lane, I heard men over the road; they were knocking at the door, and calling to them to get up. They went to Mr. Storer's, where they halted; he was taken. Some other men came up while we stood there; the captain said, 'if there be any of you that have been in the volunteers or in the local militia, step forwards three paces; none did. The men were placed at this time three deep. We went to Pent-

ridge-lane-end; a gun was fired to give a signal near Butterley. I saw George Weightman with Mr. Booth's poney. Brandreth said to him, 'take this poney and ride to Nottingham Forest, to see what is going on there, and come back and meet us at Langley-mill to bring tidings.' The captain said, 'I thought Pentridge would have been all ready. It is the worst place we have been at. We should have been at Nottingham by three o'clock.' And then we went to Butterley after that. We there saw Mr. Goodwin, from the foundry; we went over the coke croft to Ripley and Codnor, thence to the Glass House; old Isaac Ludlam was there. He was one. He said, 'captain, some man must stop out in the road, or the biggest part of the men will get away.' He stayed at the door all the time. I asked the prisoner, 'when did you begin last night, and where.' He said, 'at ten o'clock at Wingfield.' I asked him whether he had called at Pearce's; he said, 'no; we mean to call on that beggar when we come back.' When we went from Codnor, we went by the house of Mr. Sterland; the party was halted there. Some men went to Mr. Sterland's yard, and brought out some men and some forks. William Turner and Samuel Hunt were among those that went. From thence they went to Mr. Raynor's, and stopped there. I saw the first man go in; Turner was among them, he had a gun. Turner came out in about a quarter of an hour, and called for the captain, and said, 'he is not willing to go.' The captain said, 'shoot him then; we will either have him dead or alive.' The prisoner returned into the house again, and in about five or six minutes he came out again, and called to the captain to come to him; the captain did; they talked together about five minutes, and he then went in again. We went next to Langley-mill; George Weightman was there. Some of the men went round the road, or crossed over by the mill a shorter way. We met again at the toll bar. I do not know whether George Weightman had been at Nottingham, but one of the men asked him how they were going on; he said, 'very well; the soldiers are in the barracks; march on as fast as you can.' I saw Hole there; and when he was going away, he told the prisoner he would not stop any longer; that he would go back. The prisoner said, 'if you go back you will be shot.'—'Well,' he said, 'I do not mind, I will not go any further.' The prisoner immediately called out to the captain, and said, 'that a man was going back;' and the captain came immediately to Hole;" and then in other respects, he confirms the account which Hole himself had given.

Upon his cross-examination he says, "the prisoner warned Hole that if he went away he would be shot; he was neither shot nor fired at, notwithstanding the threats used; the captain was the person who levelled the gun at him, and was prevented by some of the party from firing it off. I joined them at Pentridge-

lane-end; we went from thence to Pentridge, then to Butterley, Ripley and Codnor. I did not hear Bacon make a speech; I saw him go into the house; the prisoner was where I was, which was the parlour, and Bacon in the kitchen; I did not hear a word. I went from Codnor as far as Langley-mill, and I left the party beyond Eastwood; there were not so many when I came away as when I went to the party; when I left them I think there were nearly one hundred."

John Storer is next called, who tells you he is a farmer at Pentridge; he says, "On the 9th of June, about one o'clock in the morning, I was disturbed by a party of persons who came to my house, they appeared to be in number twelve or fifteen; I was awakened by a dog's barking first, and I went to the window, and there were a number of guns and pikes pointed directly at me; they said 'damn your eyes you must go with us instantly,' this was said by the prisoner, William Turner; I asked, was there no excuse, and the prisoner answered, 'no;' he said there were several at our house liable to go, and he said, if I did not go and take a gun instantly, they would break into the house immediately and shoot me and all that were in it; the captain had just shot Mrs. Hepworth's man, and all must go or be shot; I was undressed at this time, and I went from the window to dress myself; I told him if he would give me a little time I would go; my inducement was, that I thought I should be shot; while I was dressing myself they called to me, and told me to make haste or they would make me so that I could not go; I dressed myself, took my gun and went out immediately; somebody asked me, I do not know who, whether my gun was loaded; I told them it was not; they asked me if I had got any shot and powder; I told them I had got a little shot but no powder; they said it did not matter, they should have plenty of powder in a short time; when I got to the gate leading to the lane, I told them I had been very unwell the day before, and was not fit to go; I said I could not carry the gun any further, they said then it must go with the baggage; I asked them where the baggage was; they said they had not any at that time, but that they should have; they expressed great impatience for the arrival of the captain and their party from the lane-end; in about twenty minutes they came up; I asked where they were going to; they said they were going to Nottingham; they were going immediately there, that it was to be a general rising, and people were coming in all directions; that twenty-five or thirty thousand men were coming from Sheffield; that there would be ten thousand assemble that day; that liberty would be proclaimed, and there would be an end of tyranny; they stood all in a body, the prisoner was one of that body; he had a gun; Isaac Ludlam senior, and William Barker was there; they said the captain was at Pentridge-lane-end, and would soon come up; he did with the

other body, and when they were all together there were about a hundred; the greatest number armed with guns and pikes; the captain ordered them to fall in three deep, those with guns in front; then he held a consultation with the prisoner and with Manchester Turner, and the principal men, and then he said it would be best to appoint non-commissioned officers; he then asked if there were any men who knew their duty, or had been in the local militia; that they wanted non-commissioned officers, and those who knew their duty, or had been in the local militia, would be so appointed, and would have the command of a number of men each, I have no doubt some turned out; the men were formed three deep, they were ordered to march by the captain who was in advance, and then I saw Isaac Ludlam senior, who commanded the rear-guard; we then marched; the prisoner was out of the ranks; I do not know who marched at the head; we marched up the lane towards Pentridge, and there a great many houses were attacked, and guns were taken by them, and men also; while at Pentridge I feigned myself ill, and when I got to the bottom of it, I told them I could not go any farther; the captain came up, and said I must go, that they would all do in that way; some said, 'damn him, shoot him;' some said, 'run a pike through him;' they then appointed two men to take hold of each arm, and lead me up Pentridge; in the midst of the body I pretended illness, and the two men held me up. I went with them all the way up Pentridge, and then a poney of Booth's was fetched out, and I was put on it. I did not continue long, and then I pretended to fall off the poney; I was not put on again, this brought the captain up, and he said, 'damn him, put a pike through him.' I said, 'you had better shoot me,' and he, or some person said, 'damn him, leave him, we can do without one;' he ordered the men to face about to the right, and march, which they did, and left me. I did not go with them more than three quarters of a mile altogether. I saw the prisoner frequently; he was actively employed in Pentridge going to different houses, the doors of which they were breaking open. After I had quitted them, I went to William Booth's, and we went to the house of William Weightman; he came in while we were at William Booth's; the party was but just gone; I did not see William Weightman in the party; at his house I saw a bag of bullets; I went with Booth to the constables' and gave information, and we went back to Weightman's house to get the bullets; his wife held the door, but I could neither find Weightman nor the bullets; we did not go into the house; Thomas Weightman was of the party, armed with a pike, Joseph Weightman senior had a pike, Manchester Turner had a sword, William Ludlam had a pike, Hunt had a pike, Topham had a pike, Johnson had a pike, James Taylor a pike, Joseph Taylor a gun, William Barker had a pike; they were altogether about

a hundred; when I left them there appeared to be a great many less, a great many had quitted.

On his cross-examination, he says, "I had known the prisoner before, and I have not the least doubt about his person; I saw him last Thursday or Friday; I was not examined upon the former trial."

George Goodwin is called, he tells you, that he is one of the clerks at the Butterley-works; that there are about six or seven hundred people in the employ of the Butterley company, then he says, "under an apprehension of some disturbance, special constables were sworn in on Saturday the 7th of June; I was sworn in as one; in consequence of information received, we armed some of our men on the 9th, and I took the command of them myself. I was at Ripley, and remained there on the alert till day-light in the morning of the 10th; our men had guns, and they were to defend the works; while at Ripley I heard a noise of guns firing, which appeared to be at Pentridge and Pentridge-lane-end; at break of day I returned to the works; at a little after three o'clock, I saw George Weightman on horse-back, he was going on the road from Pentridge to Nottingham; I called to him to stop, he did not, and soon after this I saw an hundred men in a body, marching like a body of soldiers, two abreast, in column; they marched up in front of the house; the doors of the Iron-works were closed; the Captain looked at the gates, and I saw him knock; he cried out to the men, 'halt, to the right face, front;' they fronted the office, which was before to the right. I asked him, 'what is your object here?' he said, 'we want your men;' I told him he should not have one, that there were too many men already, unless they were going for a better purpose. I told them to disperse, the law was too strong for them; they were going with halters about their necks, and would be hanged. Isaac Ludlam the elder, James Taylor, and Isaac Moore were there; I spoke to Ludlam and said, 'go home, you have got a halter about your neck, you will be hanged;' he said, 'I cannot go back, I am as bad as I can be, I must go on.' I had men in the office at this time, armed; when I saw the rebels approaching, I ordered them to retire into the office, and defend themselves there. I took Ludlam by the shoulders, and pushed him towards the office; I did the same to the other men whose names I have mentioned, but neither of the three went into the office; others went in, and remained there sheltered and secure; after a short pause, in which the two parties stood looking at each other, the Captain gave the word, 'march,' and took the men away; and they proceeded towards Nottingham; another body came shortly afterwards, perhaps about forty, but they did not come near to us; they were armed with pikes and guns, they came about a quarter of an hour after the first party, and proceeded on towards Nottingham. I saw also other stragglers going in the same direc-

tion; about half an hour after I saw William Weightman on horseback; Taylor was with him; I laid hold of his bridle, and stopped him; I took a bag of bullets from him," which he produces, "it weighed about eighty-four pounds; they were for guns of different bores, and in number they might amount to from 1,500 to 2,000; in the bag there were moulds for cartridges, and there was paper also to make them.

In his cross-examination, he says, "I was sworn in a special constable, and Martin and Shirley Asbury were sworn in at the same time. I am not aware that they had any particular directions as to their duty. They were sworn in upon the spur of the moment."

Then George Raynor is called. He says, he is a farmer, and that he lives with his father. "Early in the morning of the 10th of June last, some persons came to our house, which is situate near the turnpike-road from Codnor to Nottingham. There were about four hundred armed with guns and pikes. I know the prisoner, and he was the first that entered; when I first saw him, I stood in my father's door-steed. He had a gun in his hand; he presented it at me, and said, 'damn your eyes, turn out.' I said, 'no, I will not turn out.' He followed me, and said, 'Then you will not turn out?' I said 'no, I will not.' After speaking to me twice, he then cocked a gun, and insisted upon my turning out and joining their party. He desired me to remember that they had shot one man, and that I should share the same fate for my stupidity, if I did not immediately turn out. I told him I should not go. I kept retiring towards the house. He pushed the gun into my side several times, and insisted upon my turning out. When I got about the middle of my house door, this was again repeated; that is, 'damn your eyes, if you stir one step, I will blow it at you.' I had a gun on one of the joists at the top of the house. The prisoner took it down, and said, 'you have got a gun, I see; I must have this.' He charged it, with several other pieces which were charged at the same time. He next came to me, and said, 'You must go along with us.' I told him I should not go; before I left my own house, I must know on what business they were going. The prisoner told me they were going to wipe off the national debt, and begin again:—that they were marching upon Nottingham. The prisoner said, they had half an hour to spare, and would halt at our house. They remained more than half an hour. There were about fifty persons in the house place, parlour, and kitchen. There was a servant of the name of James Raynor, whom they took along with them."

On his cross-examination, he says, "I said I had rather lose my life than go along with them. They did me no harm. They killed a dog; and some pitchforks were taken. I am quite sure," he says, "that the prisoner took the gun down from his shoulder, and cocked it; I saw him cock it; to the best of my belief it was cocked

when he jobbed it into my side. It never was uncocked. I saw it cocked immediately before he jobbed against my side. I think the number of the party altogether might be four hundred; fifty came into my house. The rest remained outside, searching for forks and other things. I did not know the prisoner before. James Raynor, the servant, was away about two hours and a half, to the best of my remembrance. The party were at our house about six, and James Raynor might return about nine."

On his re-examination, he says, "They took three or four hayforks, and a pitching fork."

William Roper lives at the race stand upon Nottingham-forest. He says, "I was at Nottingham on the evening of Monday the 9th of June. At about half past eleven I set out to return home. On coming on the race-course, I met two people, and afterwards others. I should think I saw altogether about a hundred, more or less, in a line one behind another, two deep; and there were several in the centre speaking to the others. I passed by them, Mr. Percival being with me, in the front of them. When we had passed them about twenty yards, there were eight or ten came after us. The men in the line were armed with poles, about a dozen of them. The men that came after us had long poles. They stopped us, and brought down the poles to a charge on Percival and me. I could not see what was at the end of the poles. We afterwards had conversation upon the subject, and I passed on, and went to my own house. It began to rain. I again came out. There is a shed near my house. Some of them came up while I stood under the piazzas. I remained there some time. They came up, drawn up as before, two deep. I left them, and went into the house, and about one o'clock they knocked at the door. I asked what they wanted. They asked whether I had not got some arms. I told them, 'Yes.' They said, 'You must deliver up your arms.' I told them I would not. They said if I did not, they must break my door open, and take them by force. I said, that if they did, I should blow the first man's brains out that came in. They said, 'Will you?' I answered 'Yes.' They said, 'Bring the men up with the fire-arms.' They did not finally succeed in getting the arms. They asked what arms I had. I told them I had a fusée and a rifle-piece, which I would not deliver up, and they went away without them about two o'clock. Some were left behind; but I heard the greater part of them go. After they were gone. I went out about three in the morning, and picked a pole up, not so good as those here."

Upon his cross-examination, he says, "It was a wet night and dark. I saw about a hundred men, and about a dozen of them had poles."

On being re-examined, he says, "If the others had had any poles, I should have seen them."

Captain Philips of the 15th hussars, was next called. He was at that time an officer, stationed in the barracks within half a mile of the town of Nottingham. He says that on the 9th of June there was a good deal of bustle and confusion in the town; but he was not in the town himself, and therefore cannot speak to it from any local observation. He says, the military were sent for in consequence of what had happened, he supposes, in the town. They remained about a quarter of an hour, and then returned. Then he says, "The next morning, about half past six, I was called out; and I went with Mr. Rolleston and Mr. Mundy, with twenty men, in the direction of Pentridge. About half a mile before we got to Eastwood, I saw some men armed with pikes flying over fields in different direction, on both sides of the road. They were so far off we could not overtake them. We proceeded on through Eastwood, and between Eastwood and Langley-mill we came up with a party of about sixty men. One man attempted to rally the others, and to make them stand, as if he had been the chief of them. Most of the men were armed with pikes and guns. They paid no attention to him; they fled over the hedges, and dispersed in all directions. We took about six-and-thirty of them prisoners. We found a considerable number of guns and pikes, which had been thrown away. Five or six of the men were found and taken with the arms in their hands."

On his cross-examination, he says, "I was about sixty yards from them when I saw this person attempt to form them; I have been stationed at Nottingham about a month, and I am not quartered there at this time."

The last witness who is called is the high sheriff of this county, who, in the ready and vigorous execution of the high duties with which he is intrusted, on receiving information of this, whatever it is to be termed, went in pursuit of the party; he saw what captain Philips has represented; and his evidence concludes with stating, that he saw the prisoner in a ditch, and took him into custody.

This, gentlemen, is the whole of the evidence in support of the prosecution. After the counsel for the prisoner, and his witnesses had been heard, as it was my duty to do, I called upon the prisoner to ascertain if he had any thing to urge in his own defence; but all he has said consists in denying that the gun was cocked at the time that it was driven against the side of the witness Raynor; whose evidence I have read to this point. In effect therefore, he has left his defence to the powerful observations so ably urged by the learned counsel who have addressed you on his behalf.

Some witnesses were then called for the prisoner, who speak not to the facts of the case—for no testimony has been given to controvert or vary that of any of the witnesses in support of the prosecution, so that as far as these witnesses are deserving of credit, of which it is for you to judge, the evidence is all in one scale;—

but witnesses have been called to speak to the character of the prisoner, during a long course of time, as to sobriety, loyalty, and humanity in the discharge of the different duties of life, in the various situations in which he has been placed.

The first witness called is William Taylor, who tells you that he is a farmer living at South-wingfield; that he has known the prisoner three and thirty years, and that he never knew anything of him but his being a true and loyal man, of humane disposition, till this affair happened. He says, "I know of his having been a soldier, and when he came back from being a soldier he was particularly loyal, and disagreed with any man who said anything against the government."

John Burton was next called, who said he has known the prisoner ten or twelve years, during which time he never behaved otherwise than as a loyal subject, for anything that ever he knew or heard, till this happened.

Then John Armstrong was called; he says that he is a framework-knitter in South-wingfield; that he has known the prisoner from a child, and that he has always borne a good character as a loyal, peaceable, and humane man.

Such is the whole of the evidence on the one side and on the other, and on the result of which you are called upon in the discharge of a duty not incurred by choice, but cast upon you by the law, truly to pronounce upon the guilt or innocence of the prisoner at the bar.

And now, gentlemen, I shall beg leave once more to call your attention to the law, and having briefly stated it in the outset, I will only repeat, that there is no legal doubt or difficulty belonging to this part of the case. The learned judges with whom I act upon this occasion, being of opinion with all their predecessors, whose doctrine and decisions have been referred to, "that if there be an insurrection, by which is meant a large rising of the people, in order by force and violence to accomplish and avenge not any private objects of their own, not any private quarrels of their own, but to effectuate any general purpose, that is considered by the law as a levying of war;" and this you may take to be clearly the law of the land; nor is it the law of the land, as depending upon the authority of any single judge; it pervades every page of the criminal law of England, as applicable to the crime of high treason; it may be traced back to antiquity, more or less remote; has been delivered down and is acted upon at the present day; but drawn as much into controversy as it has been on this occasion, I think it necessary, not in my own words, for I will not trust myself to any looseness of expression, when a rule of law is to be given affecting the life of man; but once more I will state, and more at length, the law as delivered by the greatest authorities; looking therefore, at what has been said by every one of the great authorities referred to,

Mr. Justice Foster says, "Every insurrection which in judgment of law," *not every insurrection, which in point of fact, but* "every insurrection which in judgement of law is intended against the person of the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him, these risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not." That great and venerable judge, as eminent in his public as he was estimable in his private character, sir Matthew Hale, as on this day, the subject, and so justly, of brilliant panegyric, by the counsel for the prisoner, who has laboured so much to draw this doctrine into destruction, lays down the law in different terms, but to the same effect; he says, "If divers persons levy a force of multitude of men, to pull down a particular inclosure, this is not a levying of war within the statute, but a great riot; but if they levy war to pull down all inclosures," speaking of a general intention, "or to expulse strangers, or to remove counsellors, or against any statute, as namely the statute of labourers, or for enhancing salaries and wages, this is a levying war against the king;" and why? "because it is generally against the king's laws, and the offenders take upon them the reformation which subjects by gathering power ought not to do;" and therefore, gentlemen, the question for you will be whether this be or be not an attempt to make a change in the government, by the gathering of power either with or without arms, which lord Hale says, which Mr. Justice Foster repeats, and which all judges agree with them, in stating, is a levying of war against the king in his realm.

Having now stated to you the law upon this subject, the first question for your consideration will be, was there or was there not any insurrection or rising for any purpose whatever? In point of form, I state this to you as the question; but in point of substance, it can be no question whatever. The fact of a rising, of an insurrection, is not disputed, nor was it possible that it should be. The previous meeting; the map produced; the returns called for; the assembling in different places; the firing of signals; the formation of pikes; the parading and proceeding in large bodies from different places to one point of union; the going from house to house; the breaking into the dwellings of many of the king's subjects, in the dead hour of the night, forcibly taking their arms, dragging their servants and children from their beds, forcing them into the ranks—all these circumstances form such proof of insurrection and rising, that upon this part of the case there can be no possibility whatever of doubt.

What, then, is the next question? and which is equally for your consideration. With what intent did this rising take place? was it for a private or for a public purpose? Of any private purpose no trace appears upon the evi-

dence, nor am I aware that any has been even pointed at in observation. The question therefore being, whether this was not a rising for a general and public purpose, I know only of two ways, by one or both of which, intention and purpose can be ascertained. The one is, by the declarations of the parties concerned, for what is passing within their own breasts must be best known to themselves. If, therefore, you find many of those assembled in the hearing of the prisoner, and the prisoner himself to different persons, declaring and avowing that those measures were taken for the purpose and with the view of bringing about a general change in the government of the country, as far as declarations are proof of intention the evidence is decisive in this respect, and not encountered by any contradiction.

But there is yet another way of ascertaining purpose and intention; and this is, by the test of conduct.—Declarations may be obscure in themselves—imperfectly remembered—witnesses may speak without a strict and due regard to truth—but there are *facts* of a description which cannot possibly deceive. The assembling in military array—the long line of march—breaking into different houses—taking away arms—men forced out—formed into line—pikes, swords, muskets—the word of command given and obeyed—the advance towards Nottingham, till in sight of, and almost in conflict with the king's troops—putting aside all the declarations proved, say, gentlemen, upon these facts singly or collectively, was this for a private or a public purpose?

If you are satisfied that there was an insurrection—that it was for a purpose of a general nature, and that the purpose charged in the indictment, then the only remaining question will be, whether the prisoner by his conduct is involved. As to that, I have recapitulated the evidence which you had before heard, and I shall content myself now with merely directing your attention to the leading facts. And here you will recollect that many of the witnesses have been commended even by the counsel for the prisoner; that with the exception of two, not one is impeached; and that these two are attacked only by observation. But unfortunately even the declaration of purpose does not stand upon the testimony of those two witnesses alone: you have had other persons called, who have sworn to declarations by the prisoner himself, so far confirming the witnesses in question. When you find, therefore, the prisoner in person at a meeting previous to the rising, calling for returns of the arms from the different parishes; when you find him afterwards by the testimony of all, acting as second in command, parading, marching, drilling the men—at all the different houses—continuing with the assembled multitude from the beginning to the conclusion of the scene—then seen to come out of a ditch, and taken into custody after his companions had fled—attending to all these facts, it will be for you to say whether, there being an insurrection, and for the general

purpose, the prisoner was or was not concerned in it.

On the whole of the case you have been truly told, that if you have any doubt, you ought to give the prisoner the benefit of that doubt, and acquit him; and to this I agree. But it must be a fair, and notwithstanding the observation made,* it must be a reasonable doubt—an honest doubt—such as you can reconcile with your consciences, and with the solemn obligation under which you are bound to deliver your verdict. You have been reminded that when this day shall have passed away never to return, and this scene shall have closed never again to open, it may happen to you at some future time to look back upon your conduct upon the present occasion; and you have been earnestly pressed to consider when in the chamber of sickness, on the bed of death, in the hour of approaching judgment, what reflections from that review and retrospect may arise. This appeal was fairly and properly made in favour of life; I do not wish to weaken it, nor would it become me, placed where I am, further to pursue this subject. I will therefore only say, that here and elsewhere—now and hereafter—in health and in sickness—throughout life and even in the hour of death—and in that state which is to follow; your best support and consolation here, looking back upon the result of the present inquiry—your own justification hereafter, will be, a faithful discharge of the duty imposed upon you this day, by acting up to the sacred obligation under which you have become bound truly to decide according to the evidence to the best of your judgment and belief. Finally therefore, gentlemen, looking to the charge, to the evidence, to the observations made from every quarter, to the law as stated and explained, you will say whether you deem the prisoner guilty or not guilty. If you really think that notwithstanding the declarations proved, and the acts done, his purpose was not that which the indictment imputes; if of this you even entertain doubt, give the prisoner the benefit of that doubt, coupling with it the character he has received. But if unfortunately the case be too clear to admit of any doubt, you will discharge your duty without consideration of the consequences that may follow; confining your attention to your own duty, and declaring the prisoner to be guilty, if you are satisfied that he is proved to be so. Consider and decide.

* *Vide ante* p. 1083.

The jury retired at a quarter past three, and returned into court in a quarter of an hour, with a verdict, finding the prisoner guilty; and that he had no lands, &c. to their knowledge at the time of the offence committed.

Lord Chief Baron *Richards*.—The court is very anxious to use all the expedition consistent with justice; whether it will be more convenient to proceed now, or to adjourn until to-morrow morning, must in some measure be left to you, gentlemen.

Mr. *Attorney General*.—My lord, I am sure I am as anxious to save your lordships time, and to expedite the proceedings, as your lordships can possibly be. I do not know that your lordships will save a great deal of time by proceeding on one of the trials now; a portion of time to be sure will be saved by selecting the gentlemen of the jury; but only to do that, as your lordships know, would be in fact confining the gentlemen of the jury without any thing to exercise their judgment upon, so far as the trial is concerned. I doubt, myself, whether your lordships would very much expedite the proceeding.

Lord Chief Baron *Richards*.—I feel great doubt whether we should expedite.

Mr. *Attorney General*.—When I say that, I am quite in your lordships judgment.

Lord Chief Baron *Richards*.—Does any thing occur to you, Mr. Cross?

Mr. *Cross*.—My lord, we are so sensible of the attention of your lordships, that we would wish to leave this entirely in the discretion of the Court, as a matter in which we feel no interest.

Mr. Justice *Dallas*.—The great objection will be, that the jury sworn will be locked up all night, with nothing upon which to exercise their judgment. I am only anxious that there should be no idea that time is wasted.

Mr. Justice *Abbott*.—If we impanel a jury now, the consequence may be, that the jury will be impanelled two nights; whereas, if we adjourn till to-morrow morning, in all probability the trial will be over next day; we should be sorry to confine the jury more than is absolutely necessary.

Lord Chief Baron *Richards*.—Perhaps we may as well adjourn to to-morrow morning.

Adjourned to eight o'clock to-morrow morning.

696. The Trial of ISAAC LUDLAM the Elder, for High Treason ; before the Court holden under a Special Commission at Derby, on Wednesday and Thursday the 22nd and 23rd days of October: 57 GEORGE III. A. D. 1817.*

Wednesday, 22nd October, 1817.

Lord Chief Baron Richards.—Mr. Solicitor General, and Mr. Denman, is there any objection to the jury being called from No. 84, to which the call has already proceeded ?

Mr. Denman.—I have none at all, my lord. *The Jurors returned by the Sheriff were called over.*

Francis Agard, merchant, not a freeholder of the county of Derby to the amount of 10*l.* a year.

Mark Porter the younger, roper, challenged by the prisoner.

Joseph Garner, farmer, excused on account of illness.

George Poyser, farmer, challenged by the prisoner.

Abraham Harding Beale, woolstapler, challenged by the crown.

James Sutton, gentleman, challenged by the prisoner.

James Sorcery, gentleman, challenged by the prisoner.

Thomas Moore, farmer, challenged by the prisoner.

Philip Waterfield, gentleman, sworn.

James Osborne, farmer, challenged by the prisoner.

John Edensor, farmer, challenged by the prisoner.

William Hayward, farmer, challenged by the prisoner.

Benjamin Stone, the elder, farmer, not properly described in the panel.

Anthony Allsopp, bar master, sworn.

William Dunn, farmer, sworn.

James Northage James, gentleman, challenged by the prisoner.

John Blackwall, esq. excused on account of illness.

Robert Blackwall, mercer, challenged by the prisoner.

Thomas Lomas, baker, challenged by the prisoner.

Joseph Willshaw, builder, challenged by the prisoner.

David Gregory, farmer, challenged by the prisoner.

Daniel Wilson, miner, challenged by the prisoner.

Samuel Hartley, plumber, challenged by the prisoner.

* See the preliminary proceedings at the commencement of the trial of Jeremiah Brandreth, *ant* p. 755.

William Nuttall, farmer, challenged by the prisoner.

Thomas Hall, farmer, challenged by the prisoner.

John Wright, (of Wirksworth) grocer, challenged by the crown.

Edward Mather, grocer, challenged by the prisoner.

Edward Haslam, cooper, challenged by the prisoner.

John Wilson, wheelwright, challenged by the prisoner.

John Harlow, mason, challenged by the crown.

John Hemsworth, maltster, sworn.

William Sutton, draper, challenged by the prisoner.

Thomas Motterham, grocer, challenged by the prisoner.

John Whitham, druggist, challenged by the crown.

John Downes, innkeeper, challenged by the crown.

John Barnes, grocer, challenged by the crown.

Robert Blore, vintner, challenged by the prisoner.

William Campion, farmer, sworn.

Thomas Leedham, farmer, challenged by the prisoner.

Thomas Freer, farmer, sworn.

Thomas Brown Dunclow, farmer sworn.

John Hunt, brickmaker, challenged by the prisoner.

Thomas Cooper, farmer, sworn.

John Lea, gentleman, challenged by the crown.

Thomas Hassall, gentleman, excused, having been sent for home on particular business.

Thomas Brown, farmer, challenged by the prisoner.

John Smith, farmer, challenged by the crown.

John Needham, farmer, not summoned, residing out of the county.

William Burton, farmer, challenged by the crown.

John Cox, farmer, challenged by the crown.

Edward Stevenson, grazier, sworn.

Robert Creswell, gentleman, sworn.

Hemsworth Newton, farmer, challenged by the prisoner.

John Clarke Ward, maltster, challenged by the prisoner.

William Wayte, farmer, challenged by the prisoner.

Richard Marbrow, farmer, challenged by the prisoner.

Henry Wayte, farmer, sworn.

John Somers, miller, challenged by the prisoner.

Thomas Hawksworth, farmer, challenged by the prisoner.

Thomas Whittingham, farmer, challenged by the prisoner.

Humphrey Trafford Nadin, gentleman, challenged by the crown.

William Bodill, farmer, not a freeholder, &c.

John Garner, farmer, challenged by the prisoner.

Francis Hamp, farmer, challenged by the crown.

Isaac Twiggs, the younger, miner, challenged by the crown.

Daniel Sellors, cooper, challenged by the crown.

John Wright (of Bradborne) farmer, sworn.

THE JURY.

Philip Waterfield,
Anthony Allsop,
William Dunn,
John Hemsworth,
William Campion,
Thomas Freer,

T. Brown Dumelow,
Thomas Cooper,
Edward Stevenson,
Robert Creswell,
Henry Wayte,
John Wright.

The jury were charged with the prisoner in the usual form.

The Indictment was opened by Mr. Bagny.

MR. ATTORNEY GENERAL.—Gentlemen of the Jury; you have heard from my friend, Mr. Lowndes, who read this indictment, and from my learned friend who has also stated its contents to you, that the charge against the prisoner at the bar is that of having been guilty of high treason; and that the species of treason of which he is accused is the having levied war against the king, as charged in the first count of the indictment; and as charged in the two others, of having conspired to levy war against the king; in one of them for the purpose of deposing the king, and in the other, for the purpose of compelling the king to change his measures. The first charge in this indictment, that of levying war, is the one to which I wish principally to direct your attention; because it appears to me, that if the facts I am about to state to you shall be made out by evidence (and if they are not made out by evidence, of course my statement will go for nothing; for you are to decide this cause according to the evidence that you shall hear upon oath) the prisoner at the bar, in common with other persons, has been guilty of the offence.

After what has passed in this court, and the law having been laid down by the learned judges, perhaps it might be considered a waste of time in me to enter at length into a discussion of the law in this case; but I will shortly state to you my notions of the law, knowing that if I am mistaken in the statement, I shall be corrected by the learned judges who are presiding upon this trial; and you will recollect, that I do not desire you to adopt any one principle that I shall lay down in the short address I have to make to you, unless that

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principle is sanctioned and recommended by the opinion of the learned judges: for in all cases—whether they be in the trial of the civil rights of our fellow-subjects, or in those more important trials, deciding whether our fellow-subjects, or any of them, have been guilty of criminal offences against the laws—it is from the constitutional judges of the land—from those who are placed in office for the purpose of executing these high and sacred functions,—from those who have passed their lives in the consideration, in the investigation and in the decision of matters of law—that juries are to receive directions in point of law, and not from the counsel discussing the civil rights of parties, or conducting prosecutions, or defending prisoners; it is only for the purpose of elucidating and applying the facts more directly to your consideration, that I take the liberty of stating to you my humble conceptions of the law.

The statute upon which the first charge in this indictment is laid, was passed in the reign of king Edward the third; by the recital of which it appears that there had been different opinions of judges and of others, what species of conduct did or did not amount to high treason. For the purpose of doing that which is most important for the safety of the community and of each individual belonging to it—for the purpose of reducing as far as by any general enactment you can reduce any species of crime to a definite description and to certainty, this statute stated what should be high treason; it begins (and I merely mention that as introductory to the rest) by declaring (for the greater part of this statute has always struck me as rather declaratory of what was the principle of the common law, than any new enactment of the law upon the subject), that to compass and imagine, that is to intend, the death of the king, is high treason; that is not the species of treason about which you are inquiring now. It then enumerates certain other acts, such as compassing the death of the heir apparent, and violating the companion, that is, the wife of the king. Then it states, “or levy war against our lord the king in his realm;” that is the general description of the statute, but what does or does not amount to levying war must necessarily be a question of law; whether the facts that have taken place in the particular case, into which you or any gentlemen upon other occasions placed in your situation may be inquiring, bring the parties accused within what by the rule of law is a levying of war, is a question of fact for the consideration of the jury: but what does constitute a levying of war, is a question of law which must depend upon a general rule; for if it does not, so far from our having any rule of conduct by which the subjects of this country can square their actions, we are left in the most perfect state of uncertainty, and that statute of Edward the third might as well not have been passed. You twelve gentlemen, in case you are to lay down the rule of law, and to put a construction upon this statute, may be of one opinion, twelve

other gentlemen may upon that subject be of another opinion, a third set of gentlemen who are sworn in the box to try any man upon this species of crime, differing from the other two according to their notions, according to the extent of information possessed by each, according as any of them may or may not have applied their minds to the consideration of this important subject, which does require the application of the human mind to its consideration, whatever may be its natural ability and talent, may be of a different opinion; and thus will the rule of law vary; and instead of having one rule and standard by which to regulate our conduct, we may in the most important actions of our lives, or at least in those which are most important to the conduct of our lives, involve ourselves in chaos, uncertainty, and confusion.

Where then, are we to look for the rule of law? We are to look at the constant, unvaried, uniform course of decision and opinion not merely by judges in those times, upon which reflections may be thrown by counsel for the prisoners, but which has been uniformly laid down and invariably acted upon by the judges of all and of the best times, without one deviation from that rule by any judge, without one deviation from that rule by any man competent to write, upon due, weighty and mature consideration in his closet, that which should be received as authority. When I take the liberty of stating the law upon the subject, I feel a degree of confidence because I find the same thing to have been stated not by counsel at the bar, but by the greatest, the most intelligent, the wisest, and the best men who ever benefitted their country in the seat of judicature. I have wisdom, I have that which is better, virtue, for my foundation in the statement.

To levy war against the king, is not merely to levy war against the person of the king, but if war be levied against what I will call (because the term is used in that very statute) the royal majesty of the king, that is, against the state and government of which he is the great and prominent member, and in this respect, I may say the representative in his executive character, it is high treason.

To begin (for I will go no further back for the present purpose) with that which was laid down at a time when it was peculiarly the subject of consideration by the great men of this country, who had but a very short time before stood forward for the purpose of maintaining its liberties against encroachment. Almost immediately after, or at least within seven years after that revolution which was effected in the year 1688, the law of high treason was peculiarly the subject of consideration among the great and wise men of the land, for it was in the 7th year of king William that an act of parliament was passed for the purpose of regulating trials for high treason, in order to give peculiar privileges and just advantages to persons who might be charged with that crime. Lord chief justice Holt (whose name no lawyer,

no free man who loves the liberty of his country, ever mentions without veneration, or thinks of without love and affection) within a short year after that statute of the 7th of king William was passed, laid down the law of treason, in regard to levying war, in the very words that I am about to read to you.

In a trial before lord chief justice Holt, in the eighth year of the reign of king William 3rd, a question arose, whether conspiring to levy war, where no war was in fact levied, was a species of treason within another branch of the statute; and lord chief justice Holt, in deciding that question, found it necessary to define what is the actual levying of war. Lord chief justice Holt was not at that time sitting alone;—I should have thought, indeed, that the authority of lord chief justice Holt, even though his opinion had not been delivered in the presence of other judges, would of itself have been quite sufficient; and particularly when I recollect, and know that that opinion has, from that hour to the present time, been adopted, laid down, and acted upon, by all subsequent judges—but lord chief justice Holt was at that time associated with lord chief justice Treby, a great and learned lawyer of his day, and with two other learned judges, Mr. Justice Neville, and Mr. Justice Rokeby; and with those learned judges assisting him in his statement of the law, he defines the levying war in these terms: “There may be a war levied, without any design upon the king’s person, or endangering of it,” that is the king’s person; “which, if actually levied, is high treason; but a bare designing to levy war, without more, will not be treason;” nor was it. The subsequent counts in this indictment are founded upon an act of parliament made since, which constituted the designing to levy war a distinct treason. But I read this, for the purpose of stating to you, what lord chief justice Holt says, as to the levying war: “There may be a war levied without any design upon the king’s person, or endangering of it, which if actually levied is high treason; as for example, if persons do assemble themselves, and act with force in opposition to some law which they think inconvenient, and hope thereby to get it repealed;” *with force*, you will please to remember; “this is a levying war, and treason, though purposing and designing it is not so;” that is, purposing to assemble that force, is not treason. “So when they endeavour, in great numbers, with force to make some reformation of their own heads, without pursuing the method of the law, that is a levying of war, and treason; but the purposing and designing it, is not so.” Now, there is the opinion of lord chief justice Holt, sanctioned by the presence of three other most learned wise and honourable judges of the land, sitting in conjunction with him at that time.

Mr. Justice Foster, who was one of the greatest judges that ever lived, has laid down

* Sir John Friend’s case 13 How. St. Tr. 61.

the law precisely in the same manner, in a discourse upon the subject of high treason, which ever since it was published to the world has been considered of authority, not merely because it was written by Mr. Justice Foster, though that adds great weight to it; but because the doctrines contained in it had been sanctioned by all his predecessors, and have been found to be replete with wisdom, by all those who have succeeded him. I take the liberty therefore to state, without going through the variety of cases in which that has been laid down, that the assembling of a number of persons together, arming themselves for the purpose of producing by force any general object upon which their own particular and peculiar interests are not merely and immediately concerned, is a levying war against our lord the king in his realm, and is by law high treason. The persons accused must have the purpose of effecting some general object, through the medium of the force that they have assembled together; whether the means which they have adopted were sufficient and competent to effect the end, can make no difference. If the means are competent to effect the end, and the end is effected, those persons who have been guilty of treason, never afterwards can be adjudged to be so; for if men assemble themselves together with an armed force, to effect a revolution, and it be by competent means, the revolution must necessarily be effected; and they becoming successful in their revolution, of course there can be no government left who can ever charge them with high treason; so that, when you talk of the means being competent to the end, and the offence depending upon the consequences which follow, this absurdity arises, that if war were levied through the realm, and it ever came to hostile battle in the field, if the treason were defeated, the means would not be competent to the end, and according to that argument no treason would ever be committed. If they use means, competent or incompetent, by which they intend to effect their purpose, and begin to endeavour to effect it, the treason is complete, because the war is levied.

Having stated that, I will relate shortly the particulars of this case, begging leave to premise that persons cannot act or assemble together with one common intent and object, without one man doing one thing and another another; each cannot be at the same moment doing the same thing, but they each take several parts, and do several acts in the course of the transaction, all working towards one effect. The law says, because common sense says, that when men are acting together, with one common intent and purpose, the act of one is the act of all, that is to say, each is responsible for the acts that the others are committing, all acting with one common intent; and therefore, whether in the levying war, one man is at one place endeavouring to collect his forces and his arms, and another man at another place, and so on, each performing his functions, and what

he conceives at the moment his duties for that purpose, that which the one does the other is responsible for, because they have a common mind, and are acting for one common object.

The case that I shall present to you is this: On the 8th of June, at a place called the White Horse, at Pentridge, a number of persons were in the course of the day assembled and congregated together; we may judge upon many occasions, from what is doing at one given time, whether anything, and what, had been done before; if we find men assembled together, and some of those persons who have assembled together are doing acts and making declarations, which it is impossible could have suggested themselves at the moment in which they are so got together, what is the inference? —that something must have taken place in common between them, or some of them at least, previous to that period of time; and I ought to state to you a proposition of law, as clear and as undisputed as any can be, which is, that if men act together with a common intent and object, these who come into the transaction after it has been originally planned, and begin to act from the time in which they so come, in furtherance of the common purpose and design, are equally guilty with those who originally planned and contrived it; they are combined with them in the guilty purpose; it makes no difference in the eye of common sense, whether a man joins in the war, or joins the party who are about to levy war at this or that hour, or at a subsequent period, if he joins them in their acts intending to effect the same purpose they do; at whatever period of the transaction he becomes combined with them, no matter, he is equally guilty with them. Common sense points this out, and the rules of law, as far as they affect the conduct of mankind in these respects, are founded upon the principles of common sense and common justice; in such points as these, the rules of law are not technical; they are founded upon the great principles of moral justice, sanctioned by the great principles of common sense.

On the 8th of June a number of persons were together at the White-horse, at Pentridge, a man was seated in the room, with a map before him, for the purpose of receiving and of talking to all those who should come there; a number of persons came there, and he pointed out to them from that map, what was to be the course and operations of their proceedings on the next day, which was the intended period of their rising, or the period at which they were to commence the levying of war; and this is not an unimportant part of the consideration, that it was not merely a certain number of specific persons who had got together at one particular time of the day, but that he was sitting, during the greater part of the day, to receive those who should come from time to time, for the purpose of being actually informed what they should do the next day, in the course of their design of levying war; he showed them the line of march they were to

take, the course they were to pursue the next day towards Nottingham and let it not be forgotten, that he pointed out how and whether they were to march. As the persons who were thus to be concerned together, were the inhabitants of different places in that part of the country, of Pentridge, of South-wingfield, of Swanwick, and of other places, which were all mentioned; it was intended that all those coming from the different villages, should at a certain place (as far as they could) join together for the purpose of then proceeding on their March to Nottingham, and I think the South-wingfield people were to collect themselves at a place they call Hunt's-barn, in South-wingfield; they were to proceed on a certain line of march till they got to the close or land of a Mr. Topham, Topham's close, in South-wingfield, where it was projected that the people from Pentridge were to join the South-wingfield men; from thence they were to proceed all together, in order to be joined at the subsequent points by the persons who were to come from Swanwick, and other places from which they expected bodies of men. When they had concentrated the forces to come from those different places, they were then to march to Nottingham-forest, where they expected to be joined by a considerable body of insurgents, in order to take, to possess themselves by force of the town of Nottingham, and it was stated by the person who was there sitting, that the people in other parts of the kingdom would rise at the same time on that day, at Sheffield, at Chesterfield, and at other places pointed out by this man, upon the map; in short, to use one of their own phrases (though I believe used at a subsequent time) there would be a cloud from the north, which would come and sweep all before them.

Of course this proceeding could not be effected without the tumultuous multitude thus to be assembled being furnished with some sort of arms; to a certain extent they had previously furnished themselves, I say they had previously furnished themselves, because the peculiar sort of arms of one description which they had, are not such arms as men in this country keep in their houses, or are possessed of generally, and they had been made or manufactured somewhere or somehow by the persons who were to put them into the hands of those who should so assemble. Every Englishman, or most of us, perhaps, have a gun, but we have not a pike; that is not the common and ordinary arms which the subjects of this country procure for their defence.

Another thing which I say manifestly shews previous conspiracy and consultation, was this, that on the 8th of June, at this White-horse at Pentridge, one of the persons called for a return, an account of the arms that were possessed in the different villages that were to rise; not a return of the arms that were possessed by the persons who were rising, but a return of the arms that belonged to the other inhabitants of those villages who had no in-

tention so to rise, but which it was declared that these insurgents were to seize and possess themselves of in the line of their march. When I allude to the conduct of other persons, I beg you will have the goodness to understand me upon that subject; the only person now upon his trial is the prisoner at the bar, and I would not allude to the conduct of any other person, except that it is necessary so to do, because, he being charged with a conspiracy with others, the conduct of the others with whom he was connected becomes necessarily a part of his own, and explains his transactions, and the motives which operated upon his mind, when in his presence, and with his sanction, they did what they did, and said what they said. At this meeting, on the 8th of June, the prisoner, Isaac Ludlam, was present; he heard what passed at the different periods of the day at that meeting, and you will judge from what he did when this actual insurrection took place, whether he was or was not joining with them in the common intent to do that which at different times was professed, sometimes by one man and sometimes by another, to be their object, namely, to overturn the government of the country, to wipe off, as they stated, the national debt, to begin afresh; in fact, to effect a Revolution.

I come now to the evening of the 9th. I have told you that it was settled on the 8th, that on the evening of the 9th the rising was to take place. The rising began, or at least certain persons assembled themselves together near Hunt's-barn; two persons who were concerned in this business, a man of the name of William Turner, and a man of the name of George Weightman, went to Hunt's-barn; at Hunt's-barn the prisoner was not at first, but what passed there is just as much, and as competent evidence against the prisoner, as if he had been himself there, for the reason I have stated, that when persons effect a general rising, some must be doing one thing and some another at the same time; and the question must be, whether they were not acting simultaneously for the same purpose.

About ten o'clock at night, and before the prisoner joined the party who assembled at Hunt's-barn, and proceeded from thence, he living at a place near the Coburn-quarry, was seen with several others armed with a pike; after he had been so seen he joined the party who came from Hunt's-barn down to Topham's-close, that is, a piece of land belonging to a Mr. Topham, in the line of march that had been pointed out to them the day before; he joined that party, and carried a pike; he marched with them; he was present with them at the different houses that were attacked for the purpose of seizing arms, and not only for the purpose of seizing arms, but attacked for the purpose also of forcing others to join them, under the most imperious threats and menaces, in order to swell their numbers, and to compel others to do that which they themselves were about to do, and which they did—to compel

others to put themselves in hostile array against the laws and the constitution of their country.

Without going through a detail of what they did at different houses, and the outrageous acts that were committed to collect arms; as they proceeded, their numbers were increased by some who were to join them as volunteers, by others whom they obliged to march with them; there ranks were to be formed, the men were to be kept together; there were many persons with them who were anxious and desirous, though they had been compelled to join, to get away; the prisoner at the bar was one of those who was watching the conduct of these persons, and when he perceived that any man was attempting to quit them, he kept him in the ranks, and prevented his escaping from the party. This will be proved to you by several of the witnesses. Another thing, not unimportant, to manifest that this man was a party with the others, and had a common mind and intent with them is, that they formed this body of men at different times to preserve something like order; the principal leaders marched in front; the person placed in the rear to keep them up was Isaac Ludlam, the prisoner—placed in an effective and important situation, in order to keep together those forces which they were assembling for the purpose of marching upon Nottingham-forest, in order to join those whom they expected to be there, and to do that which they stated at different times in the course of the transaction to be their object.

They went to Mr. Hall's, to Mrs. Hepworth's, to Mr. Storer's, and a great many other houses, till at last, when they had assembled a very considerable number, and I think had been joined by a party coming from Swanwick, they arrived at a place called Codnor. But before I describe what passed at Codnor, I would beg leave to state to you one most important fact, as it affects the prisoner at the bar. In the course of this line of march, there are some most important works called the Butterley Iron-works, and it appears to have been a main object of this party, to get the Butterley men to join them, and if they could have done it, to get possession of the Butterley-works. To these works they proceeded; however, Mr. Goodwin, a person who is one of the managers under Messrs. Jessop and Outram, the proprietors of these works, met the insurgents at the door of the office, and refused to let any of them come in, refused to let them have any men from those works, and entered into an expostulation with them. Several persons took that opportunity, as Mr. Goodwin was determined to defend his works, of escaping into the works from this party, which they had been forced to join; Mr. Goodwin particularly addressed himself to the prisoner at the bar, and remonstrated with him; he had the opportunity, if he pleased, of escaping with others, and when Mr. Goodwin told him, in plain language, what would probably be the consequence of his conduct, his answer was, "I am

as bad as I can be, I must go on." I wish the prisoner had recollected that there is no period of a man's life till the hour of its close, when he is as bad as he can be; there is time at all periods for something like repentance, though perhaps the time may be gone by when a man is capable of making restitution; but he, though remonstrated with, determined to proceed, and it is obvious from that declaration of his, that he was a volunteer with the rest, that he was acting in conjunction with the rest, that he was determined to persevere with those who did persevere, and that he was completely guilty of this treason.

From Butterley they proceeded to Codnor; when they got to Codnor, they went to a place called the Glass-house Inn, a public-house; a great many of them went into that house; a few of them went into a house called the French-horn, being in too large numbers to get into this house, where they stopped to get some refreshment; it rained very hard; it was suggested, that while they were in the house, in all probability some of the persons who had been forced to join them would escape; the prisoner at the bar made the proposal that a guard should be placed at the door to prevent that; nay more, so fully was he persuaded of the necessity of doing it, that he, together with another, performed the office of standing guard at that door, to prevent any of those persons who had been forced to join them, from escaping, and to prevent any of those persons who had joined voluntarily, and who might have repented, who peradventure might have overheard the salutary advice that man had received from Mr. Goodwin, and might have been willing to take advantage of that admonition. But he who had gone on to be as bad as he could be, and was determined to persevere to the end, was determined also, that as far as in him lay, others should go on also, and at the door of this house he stood as a guard, to prevent any of the persons from leaving the party who might have been inclined so to do.

Other witnesses will state to you the different periods of time on the march, and while they were at Codnor, at which he was keeping together their ranks, and, in fact, acting, I might almost say, as an officer in the service. It will be proved to you also, by other witnesses, that he said "we were to have been at Nottingham by two o'clock this morning, and we shall be too late;" and other expressions of the same sort; it will also be proved to you, as manifesting his intention and his mind, that in speaking of the rising, he said, "it is brought to a head at last." What is brought to a head at last? Why our rising; the revolution is brought into effect at last. "We are going to Nottingham; there is a parliament formed at Nottingham, we are going to guard it, and the business will be done before we get there." I will not weary you (because you must hear it from the witnesses) by stating the different expressions this man used; but, from the beginning to the end of

this transaction, you will find him a party and partizan, as much engaged by his acts, his demeanor, and his declarations, as any man in such a transaction could possibly be.

I have confined myself to stating to you the evidence as it affects the prisoner particularly, because really it would be almost wasting your time to be stating the acts generally that took place, to prove that this was a treasonable insurrection, and levying of war. I have told you that the parties stated that it was their object to be at Nottingham by two o'clock in the morning; now, what was doing at Nottingham? acts not to the extent this man hoped and expected, thank God! but, on that night, on Nottingham-forest, which they declared to be the place at which they were to join the Nottingham insurgents, there was a body of men assembled together at twelve o'clock, continuing there till two in the morning, which was the time when this man hoped to reach Nottingham from Pentridge, though they were from various causes delayed after that time; there was that simultaneous rising which confirms the object and intention of these persons, who declared that it was their intention to march to Nottingham, where they expected to be joined by their confederates.

In the course of their line of march, some of them began to doubt whether they should find all things at Nottingham quite so ripe as they expected; this accounts for some of the delay in their march, and therefore it was agreed that a person of the name of George Weightman should take a horse, which they had taken out of the stable of a Mr. Booth, that he should ride on to Nottingham as fast as he could, that he should come back when he had got intelligence, and meet them at a place called Langley-mill, which is beyond Codnor, of which I have spoken. Weightman went. Whilst Weightman was gone towards Nottingham, they attacked the house of a Mr. Raynor, which is in the road before you come to Langley-mill. I will not detail to you the particular and specific facts myself, because Mr. Raynor will state them; they insisted upon his going, telling him they had shot one man, and that they would shoot him too if he did not go, and compelling him to bring his son and his servant to go with them; but there they said they would halt to rest themselves, for that they had half an hour to spare. George Weightman was not come back. Mr. Raynor's house was just before they got to Langley-mill; and calculating the time, they had half an hour before he could get back to Langley-mill; they did stop there; they then proceeded to Langley-mill; just before they got there they were met by George Weightman. George Weightman had some conversation with the leader of this party; what that was I know not; but in consequence of a short conference with the leader of the party, George Weightman rode up to them, saying to them, "push on, my lads, all is right at Nottingham, the soldiers will not come out of their barracks,

and Nottingham is taken." Now, that George Weightman told them what was untrue there is no doubt, but that is not material; it shows their object and intention; they had embarked in this design, and George Weightman who had been one of their leaders, having been thus sent to Nottingham, those who were leading them having gone so far as they had, were by imposition, at last encouraging and inducing the others still to go on, in hopes that by proceeding they should collect other forces, in the desperate expectation that they should succeed in the object they had in view.

Now, from what I have stated to you, was the prisoner or was he not acting with the common mind? I am about to relate a circumstance as to the prisoner which pains me much, which manifests that he was so acting, because he was not satisfied with joining those persons himself without any force or any persuasion being used towards him, or at least that sort of force and persuasion which compelled some persons whom I shall call to you as witnesses, namely, Mr. Hall and others, who could not help joining them, but escaped as soon as they could; but he brought his sons with him into that traitorous field; he saw them acting at the time he was with them. An unwilling attendant upon such a party as this, when he received that admonition from Mr. Goodwin, and when he had an opportunity of escaping into these Butterley works, if he had pleased to make an effort so to have done, if he had not intended to further the common object, if he had felt any repugnance; would he not, in the course of this transaction, whatever had become of himself, with the injunction of a parent have dismissed his sons at least, and have endeavoured to have persuaded them not to continue in their misconduct? Well may treason be called the highest offence in the law; for when men are once determined to commit it, there is hardly any crime, either legal or moral, in which they may not, in the progress of their evil course, be involved.

I have stated to you, but only in the outline, the transactions of this case. If the facts that I have stated are proved, it appears to me impossible that human understanding can doubt of the guilt of the prisoner. You have a most important, aye, and a most anxious duty to perform; for, whatever be the offence with which a fellow-subject may be charged, if it involve any thing like capital punishment, beyond all doubt the duty of the jury is most anxious and painful; but I know, and am persuaded, you will recollect that to pronounce a fair, honest, and impartial verdict, according to the evidence, is your duty as men and as jurors; and I am sure you will recollect (indeed you do not want to be put in mind of it) that to perform that duty well, and truly, you are bound to pronounce your verdict according to the evidence; to do this, you are under the sacred and solemn obligation of an oath. It is not that capricious doubts are to be en-

tertained; where there are any fair, reasonable, and honest doubts created in the case, the prisoner certainly should have the benefit of them; but it must not be that species of doubt which amounts only to this—Why the thing is not so proved as if we had seen it with our own eyes. If, according to the common principles of common sense and common reason, the prisoner appears to have been guilty of that which I have charged upon him, you, I know, however painful it may be, will fulfil your duty by pronouncing that verdict which the law and your oaths call upon you to deliver.

EVIDENCE FOR THE CROWN.

Anthony Martin sworn.—Examined by
Mr. Solicitor General.

I believe you are in the employ of Messrs. Outram and Jessop, at the Butterley-works?—Yes.

And were so in June last?—Yes.

Did you on Sunday, the 8th of June, go from Butterley to Pentridge?—Yes.

About what hour in the morning?—Between nine and ten o'clock in the morning.

Who went with you?—John Cope.

Was he also employed at the Butterley-works?—Yes.

Did you go with him to the White-horse at Pentridge?—Yes; we went to the Croft below the White-horse first.

What induced you to go into the White-horse?—A little girl came from the White-horse to John Cope.

And you went in with him?—Yes.

Who keeps the White-horse?—Nanny Weightman.

Into what part of the house did you go?—Into the house part first; then they asked John Cope to go into the parlour, and I went in with him.

Whom did you find in the parlour when first you went in?—There was Brandreth there.

Was that the person they called the Captain?—Yes.

Who else, when first you went in?—George Weightman.

Any of the other Weightmans?—Joseph Weightman.

John Weightman?—There was another Joseph Weightman.

Was John Bacon there?—Yes.

Were there other persons there when you went in?—Yes, there was Thomas Weightman.

Do you recollect any other when first you went in?—Ormond Booth was in.

Whilst you were there, did other persons come in from time to time?—Yes, they kept coming in.

How many were occasionally in the room at once?—About twenty.

Was Brandreth sitting?—He was sitting in the centre of the room by the table.

Do you know the prisoner, Isaac Ludlam?—Yes.

Did you see him there?—Yes.

What time did he come in?—Between one and two o'clock.

Did any one come with him?—Yes.

Who?—Turner.

Was that William Turner?—Yes.

Where does Ludlam live?—At Wingfield, in the parish.

The parish of South-wingfield?—Yes.

Does Turner live there also?—Yes.

How far is Wingfield from Pentridge?—A mile.

Do you know the prisoner's house?—No.

What was the subject of the conversation?

—It was about overturning the present government.

Was that stated after Ludlam the prisoner came into the room?—I do not remember that it was.

Had it been mentioned before?—Yes.

By whom?—By the Captain.

Was anything said about arms?—Yes.

After the prisoner came in?—Yes.

What was said about arms?—Turner pulled a list out of his pocket, which Ludlam read.

Is that William Turner?—Yes.

Do you mean the prisoner Ludlam?—Yes.

What was said by Turner when he pulled out the list?—He said he had got a list of all the guns and pikes and swords that they had in their parish.

What else did he say?—He wanted to know where the guns and pikes were, that belonged to the Pentridge and Ripley people?

Did you say the prisoner Ludlam read it?—Yes.

Did he read it so that people might hear it?—Yes, they might hear it.

He read it to the persons in the room?—Yes, he did.

What did you hear him say when he was reading?—I heard him say that there was a quantity of pikes in a stone quarry.

Who said that?—The prisoner Ludlam.

Was that what he read from the paper, or what he said after he read the paper?—They were talking of that after he read the paper.

What did he read from the paper?—There was an account of the arms, what people's houses they were at, and where they had to fetch them from.

After that had been read, there was a conversation about pikes, and the prisoner said there were pikes in a stone quarry?—Yes.

Was that said by Turner as well, or by Ludlam only?—It was said by Turner as well.

They both said that?—Yes.

Mr. Justice Abbott.—Did they mention the number?—That they had about forty pikes in a stone quarry.

Mr. Solicitor General.—Do you know what the prisoner is by business?—He is a stone-getter.

After they had talked about the arms, what

was the conversation then?—I did not hear what Ludlam said.

What were they talking about whilst he was there?—They were talking about the present revolution, and how they were to proceed on it.

Did they state how they were to proceed on it?—Yes; they were talking about going to Nottingham.

When were they to go to Nottingham?—They were to go to Nottingham on the Monday night; they were to start first on Monday night at ten o'clock.

Had Brandreth, the captain, any thing before him?—Yes, he had got a map before him.

What was upon that map, or what did he say about it?—He had got some dots and some prickles, where they were to meet, and where they were to proceed to.

Was that map before him when Ludlam and Turner came in?—No.

Where was it then?—It was in Brandreth's pocket.

Mr. Justice Abbott.—Was it produced after they came in?—I do not recollect that it was.

Mr. Solicitor General.—Was anything said as to what was to be done when they got to Nottingham?—Yes, that they were to take the town.

What else?—That they were to return back then to Butterley-works, and to make barracks of that.

You say they talked about arms, was any thing said about men?—Yes, they said they would make all go that they met with, and them that would not go they would shoot.

Do you recollect whether any verses were repeated by Brandreth?—Yes.

Was that before or after the prisoner came in?—That was before the prisoner came in; it was not repeated after he came in that I heard, I believe it was not.

What were those verses?—

"Every man his skill must try,"—

Mr. Cross.—I submit to your lordships, as it is now distinctly in evidence that the prisoner at the bar was not present when those verses were read, and had not come upon the premises before they were read, that they cannot, in the present stage of the examination at least, be received in evidence against him; there is no sort of act at present proved against the prisoner to connect him with what we know to be the contents of those verses. I submit that at present we should not hear what they were, as they were not spoken in the prisoner's presence.

Mr. Denman.—I submit my learned friend's objection must be sustained, at least for the present, for there is not any evidence to go to the jury, of conspiracy for the purpose supposed to be alluded to by those verses; those verses were recited in the absence of this prisoner, and I submit therefore we cannot yet hear

what these parties might be saying in a public-house.

Lord Chief Baron Richards.—They were talking about the revolution, and the proceeding to Nottingham, and taking Nottingham, after he was there.

Mr. Cross.—That remains yet to be inquired into; I have not collected from this witness whether any of the conversation respecting going to Nottingham, or about the revolution, was or was not in the presence of the prisoner.

Mr. Justice Abbott.—I have taken it, that while the prisoner was there they were talking about the revolution and how they were to proceed; that they talked of proceeding to Nottingham and taking the barracks; the effect of it is one thing; but it is impossible that all the evidence can be given together.

Mr. Denman.—Certainly, my lord.

Mr. Cross.—I do not insist upon the objection, my lord.

Mr. Justice Abbott.—Even as the evidence now stands it is certainly admissible.

Mr. Solicitor General.—State, if you can, what those verses were which Brandreth repeated?—

"Every man his skill must try,
He must turn out and not deny;
No bloody soldiers must he dread,
He must turn out and fight for bread;
The time is come you plainly see,
That government opposed must be."

—that was not stated while he was in.

So we understand; did Brandreth during the whole time you were there, act and appear as the leader of the party?—Yes, he did.

Do you remember, after Ludlam came in, anything being said about a badger?—Yes, Turner was talking about it.

William Turner who came with Ludlam?—Yes.

What was said?—They were talking about the plan about drawing the badger.

Who talked?—Turner.

Who else?—John Cope said, he had heard they had a plan about drawing the badger, and asked what it was; and Turner told him what it was—to lay a bundle of straw before the door and the badger would come out, and, as he came out, they would shoot him.

How long did you stay there; what time did you leave?—Between three and four o'clock.

Was any thing more said about the Wingfield people?—Yes.

What?—They were talking about the pikes.

Who was talking about the pikes?—Turner; and about how they were to assemble together, and what time of the night, and where to start; and where the pikes lay.

Whilst you were there, during those several hours, did several persons come in and go out?—Many did from time to time.

When they came in from time to time, was the subject you have been talking of mentioned?—Yes, it was mentioned to some of them.

You went away between three and four?—Yes.

When you went away was the party broken up, or did you leave any persons there?—I left the prisoner there and Turner as well.

And Brandreth?—Yes.

Whom else do you recollect?—I do not recollect who there were left.

Do you recollect a person of the name of Mac Kesswick coming in?—Yes.

What time did he come in, do you recollect?—I do not recollect exactly.

Did he say anything on coming in?—Yes; he asked the captain how he was; he said he did not know him; he asked him if he did not recollect his coming a little way along the road with him.

Did he then recollect him?—Yes, he recollect him then; and asked how he was then.

Did Mac Kesswick say anything?—Yes, he turned himself round, and said, he thought there were too many in the room for that business.

Was any thing said upon that?—No.

Was this conversation public in the room during all the time you were there?—Yes.

There was no secret made of it?—No.

Had you been sworn in as a special constable before?—Yes.

When?—On the Saturday night, the night before.

What was the purpose of your being sworn in as a special constable?—To protect our master's property in case of any riot or any disturbance; that was what I understood.

Anthony Martin cross-examined by *Mr. Cross*.

You were sworn in you say?—Yes.

What was the oath you took upon that occasion?—I do not recollect; we were to keep the peace on our master's premises; to keep the peace at Butterley-works, in case of there being any disturbance, that we were to be ordered out in case of any disturbance.

Who swore you?—The magistrate's clerk.

You cannot remember the words of your oath?—No.

You seem to have a very ready memory for sedition, but you cannot remember your oath?—No.

Was any thing said at the public-house about your masters?—They were talking about making barracks in the works; that was all that was said about our masters.

Was any mischief to be done to your masters?—Not that I recollect.

You stayed there about six hours?—Yes.

Whither did you go after you left that place?

—Home.

Was that near Mr. Goodwin's?—Yes.

Did you attend at the works the next day?

—Yes.

Did you tell Mr. Goodwin you had heard

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it publicly announced at the ale-house, that the works you were sworn to defend were to be made barracks?—No; it was narrated about the place before, and I thought I had no need.

You heard it talked of?—Yes, by many, before that Sunday.

Did you see Mr. Goodwin the next day?—No.

How many of you were sworn into this office?—I cannot say how many there were.

Was Cope one?—I am sure I do not know whether he was or not.

What has become of Cope?—I am sure I do not know where he is.

Is he following his business with you as usual?—Yes, he has been following his business at Butterley-works.

Since?—Yes.

And is now?—I do not know whether he is now.

Has he been in custody?—He was taken up in custody, but he was liberated again.

You say that the prisoner came to the public-house with Turner?—Yes, and Barker.

Do you mean to say you saw the prisoner enter the house with Turner?—He came into the house; they were all in at the same time.

That is not what I am asking you about; but did you see the prisoner come into that house in the company of Turner?—Yes.

That you swear?—They all came in to a minute, one with another, or more; there were three of them all came in together.

Within a minute or two of each other?—Yes, within a small trifle of each other.

Then you mean to say they did not come together; you did not see them come in together?—They all came in together.

Then there was no trifle of time between them if they all came in together?—They came in at the door as fast as they could.

Do you recollect particularly?—Yes.

Where were you sitting at the time?—I was sitting in the room.

There were more rooms than one?—I was sitting in the parlour.

Did you go through the house into the parlour?—Yes.

You stayed there all the time, did not you?

—No, I was in and out two or three times.

You told us before, you were there only for amusement?—I had no business with them.

Only for the sake of amusement?—And of getting a pint of ale.

You admonished them of the danger of their proceedings, did not you?—I told them about it, but they threatened to cram me up the chimney.

That did not intimidate you at all from staying?—No; I did ask Cope to go, but he did not choose to go, and I stopped till he went, and Asbury and Elsdon, and we all went together.

You told them you were a constable?—Yes.

That they had better take care what they said?—Yes.

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And they only threatened to put you up the chimney?—Yes.

Were you afraid of that?—I was afraid, if I said any more that they would.

You did all that you thought it prudent to do to put a stop to the mischief?—We thought it was not right.

What do you mean by we?—Me and Shirley Asbury.

And Cope?—I did not say any thing to Cope about it, whether it was right or not.

But you attended with Cope?—Yes, I went there with Cope; but I did not know what business he was going on.

You did not take any part in this business?—He did say something, but I cannot recollect what it was.

It is extraordinary that you did not take notice what was said by your friend who was there?—There were many people there that I did not know.

But cannot you recollect what your friend said?—I know he said something about those matters, but I do not recollect what it was.

That you swear?—I shall not swear anything about it.

But you shall swear something about it; do you or not recollect what he said?—I do not recollect what he did say.

Do you mean to swear that you do not recollect what he said?—I do not recollect what he said in that place.

Before he went to that place?—He did not say anything to me before he went to that place.

Do you mean to swear, that neither before you went to that place, nor there, you heard him say anything about that business?—He said nothing to me about the business; he asked me to go to Pentridge; that he had a little business, and to take a pint of ale.

Did not you hear Cope say something about the business of which you have been telling the jury before you went there?—No.

Nor while you were there?—He was talking amongst them, but I cannot recollect what he did say.

Not one word that he said?—Not exactly. Tell us as nearly as you can recollect?—I cannot recollect anything about it.

Then what do you mean by exactly? you cannot recollect at all?—No.

You recollect what Turner, Brandreth, and Ludlam said?—Ludlam was not taking any active part that I heard, further than reading the paper.

You heard what Turner, and Brandreth, and Ludlam said; but you do not recollect what Cope said, though Cope was the man whom you accompanied to the scene, and with whom you left?—I did not sit exactly along-side him while I stayed there.

Were not you waiting for Cope till he had finished his business, that you might go away?—Yes, I was waiting for Cope, and Asbury, and Elden.

And Cope you state had business to transact

at this meeting?—I do not know whether he had or had not.

That you swear?—Yes.

And you did not perceive, though you sat six hours in the room?—He said he had a little business to do at Pentridge, but he did not say whether it was in that room.

You mean to swear in the face of the jury, that though you sat six hours in the room, you cannot tell whether Cope had any business to do there or not?—He was talking amongst them; I cannot recollect what he was saying, or what a great many others said.

You were six hours in the room?—Yes.

Chiefly in that room?—Yes.

You went with Cope, because he had some business to transact?—Yes.

You waited till he had finished his business at least for six hours, and yet you mean to swear you do not know what Cope's business was?—It was not my business to ask him what business he was going on, or what he did there.

That is not my question—

Mr. Justice Abbott.—That is hardly a question: perhaps he may not understand all that is comprehended in your question.

Mr. Cross.—Do you mean to state, that though you waited six hours till his business was over, you do not know at all what his business was about?—No, I do not.

Then what do you mean by saying that you waited for him all that time, till he had finished his business?—I do not know what his business was.

What was he doing?—He was sitting amongst the people in the room, and I was sitting amongst the people in the room.

Did he or not take any part in what was going on in the room?—I did not see him take any active part.

You say the prisoner read the paper that was produced by Turner?—Yes.

He read there of some pikes in a stone quarry out of that paper?—I did not say that he did.

I ask you whether he did or not—

Mr. Justice Abbott.—That is not a question;—it is a very common thing, I do not find any fault with it—but you must not be angry with the witness, if what he says is not an answer, when you do not put a question.

Mr. Cross.—I stated the matter interrogatively: it is very often done.

Mr. Justice Abbott.—Yes, I know it is very often done.

Mr. Cross.—Then we are to understand he did not read it from the paper, but stated it from his own knowledge?—He and Turner were reading it.

Was he reading it to Turner, or Turner to him?—Turner to him.

There was a collection to send Weightman to Nottingham?—Yes.

How much did Cope contribute?—I do not know.

Did he contribute anything?—I do not know.

You swear you do not know that?—Yes.

Did you contribute anything?—No.

Did anybody ask you?—No.

The prisoner, I think you stated, was not in the room?—He was not in the room when the money was gathered.

The prisoner was not?—No.

You were of course there when the money was gathered?—Yes.

The prisoner was not there, of course, when they talked about taking Nottingham?—I cannot recollect whether he was or not.

Nor when those verses you have repeated were mentioned?—No.

Was there anything besides those you have already recited?—No.

Was anything else connected with those verses?—No.

That was the whole was it?—Yes.

Anthony Martin re-examined by
Mr. Solicitor General.

You have been asked about a person of the name of Weightman being sent to Nottingham, what was he to be sent to Nottingham for?—He was to go to Nottingham to see whether the people of Nottingham were ready to join them, and to bring back a particular account that night.

The money was collected to enable him to go?—Yes.

Mr. Justice Abbott.—Were any threats made use of against persons who should tell?—Yes.

What was said about that?—That any man that should tell any thing about them, they would call on him another day.

Mr. Solicitor General.—I did not ask whether Asbury was there, it did not come out on cross-examination that he was there.

Mr. Justice Abbott.—Yes, he stated that he came in.

Shirley Asbury sworn.—Examined by
Mr. Sergeant Vaughan.

I believe you are an engine-fitter at Pentridge?—At Butterley.

You belong to the parish of Pentridge?—No, Ripley.

You are in the service of Messrs. Jessop and Company, at Butterley-works?—Yes.

Did you on the morning of the 8th of June, go to the White-horse at Pentridge?—Yes.

About what time, and with whom?—About twelve o'clock, with John Elsdon.

About mid-day?—Yes.

Whom did you find there?—There were Cope, Anthony Martin, Brandreth, Mac Kesswick, John Moore, Edward Moore, William Smith, and several others in the room; I did not know all of them.

How many might there be at the time when you first went there?—About twenty.

In the room at one time?—Yes.

Tell me whether in the course of that morning, after you had been there some time, you saw anything of the prisoner at the bar, Isaac Ludlam?—Yes.

Do you remember whom he came in with?—William Turner.

Were the prisoner and William Turner both Wingfield men?—Yes.

Upon his coming into the room, had he any conversation, or did Turner produce anything in his presence?—Yes.

What was it?—He produced a paper consisting of what guns they had.

Of what guns they had, where? in what parish or place?—He did not say in what parish; what guns such and such people had.

Were the people's names mentioned, were they read from this paper?—Yes.

Can you tell us the names of any of those people?—No, I cannot.

But there were people mentioned who had guns?—Yes.

And what number of guns?—Yes.

Was it stated from this paper where those people lived who had the guns?—I cannot recollect that it was.

Turner produced the paper?—Yes.

Having produced the paper, to whom did he deliver it?—He produced it to that man there.

To the prisoner?—Yes.

Having delivered it to the prisoner, what did the prisoner do with it?—He read it over to the company.

Was it read more than once?—No.

What remarks were made upon this paper by the prisoner, or anybody in his presence?—I do not recollect anything more than its being mentioned what guns there were.

Was anything said about the Wingfield men being more or less forward than their neighbours?—William Turner seemed to say that the Wingfield people were more forward than the Butterley, for they went out to get pike shafts in the day time.

What was said about those pikes? where were they?—There were some pikes that were in a stone quarry.

Who said that?—William Turner said that; about forty, that were for the men that volunteered.

Was the place mentioned where those pikes were lying?—He did not say; he said they were in a stone quarry.

Was anything said as to what was to be done with those pikes?—Yes.

What?—He said, in the first place, they were to go to Wingfield.

Ludlam came in with Turner?—Yes.

Was Ludlam present when the paper was read, and this conversation passed?—Yes.

William Turner said they were to go first to Wingfield?—Yes.

What were they to do at Wingfield?—They were going to draw the badger in the first place.

How was the badger to be drawn?—They

were to take a bundle of straw and set it on fire, and as soon as it was set on fire, he would come out, and then they were to shoot him.

Was it explained who this badger was?—Yes, Mr. Halton.

Colonel Halton, the magistrate?—Yes.

Was anything said about vermin?—Yes, William Turner said that they had vermin to kill, and every one was to kill their own vermin.

Did you hear the prisoner Ludlam say anything?—No, I cannot recollect that I heard him say anything more than reading the paper over.

Was Nottingham talked of?—Yes.

Did you hear Ludlam say anything about Nottingham?—No, I cannot recollect that I did further.

What was said about Nottingham, and by whom?—Brandreth mentioned Nottingham; he said they were to go to take Nottingham, and every one was to have plenty of rum, and a hundred guineas when they got there.

You say Brandreth said that?—Yes.

Did you hear anybody but Brandreth use words of that sort?—Yes, William Turner mentioned it too.

Did you hear anybody but Brandreth and Turner use those expressions?—No, I cannot recollect that I did.

You have no recollection of that?—Not of anybody else mentioning it.

Was the government talked of?—Yes; they said there would be no good done till such time as the government was overthrown.

Who said that?—William Turner.

Did you hear anybody besides William Turner use those expressions?—No, I do not recollect that I did; I do not recollect anybody else mentioning them.

Was it said how this was to be done?—That they were to go to Nottingham in the first place.

What was to be done when they got to Nottingham?—They were to take Nottingham; and then they were to go down the Trent by the Trent boats to Newark, and to take Newark.

What was to be done then?—Then they were to go from thence to London; to make the best of their way to London.

What were they to do when they got to London?—They were to go to overturn the government; that there would be no good done till they had overturned the government.

How long might this conversation last about the government, and Nottingham and London, and the pikes?—It was talked from the time I went until I came away; they said they had no doubt they should succeed in what they were going to undertake.

At what time did you come away?—About four o'clock.

Then you were there about four hours?—Yes.

In what way was this mentioned and talked of?—Privately?—Yes, privately.

What do you mean by privately?—They spoke up to every one that was in the room, not privately.

Do you mean to each individually, or to all together in the room?—To all together.

Was it spoken loud enough for all in the room to hear?—Yes.

Was anything said as to the time of their setting out; when this was to take place?—At ten o'clock the next night they were to set out.

Did you see anything there of a man of the name of Joseph Weightman?—Yes.

He was there?—Yes, he was.

Was he directed to do anything while you were there, or was it proposed that he should do anything?—Yes, he was to go to Nottingham, and see how they were going on, and money was collected.

At whose expense was he to go there?—There was a subscription made for him to go.

Do you mean in your presence?—Yes.

To pay his expenses?—Yes.

When was he to set out?—He was to set out as that night.

Where was he to come, or what was to be done after he had been at Nottingham?—He was to come home again.

You say money was collected for that purpose?—Yes, there was.

Did you see any map in the room whilst you were there?—Yes, Brandreth produced a map.

What was done with that map?—He was pointing out and pricking out the places where they were to go to, which they were to take.

Was anything said about ammunition?—Yes.

What was said about that?—Brandreth wanted a barrel of gunpowder produced, so that he might learn them how to make cartridges.

What barrel of gunpowder was this that he wanted produced?—Some barrel that they had by them.

Was it mentioned that they had a barrel by them?—Yes.

Was there more than one barrel of gunpowder spoken of?—No.

What other sort of ammunition were they to have besides gunpowder?—They had no more ammunition but gunpowder, but he said they could get plenty of lead upon the road, there were plenty of churches upon the road, that they could get lead from.

Brandreth said that?—Yes.

You have spoken of Nottingham, was any thing said as to who were to be met at Nottingham, or what was to be done there?—That they were to take Nottingham.

Was there anybody to be there?—Yes, there was to be a party there to meet them.

Was it said where those were to come from that were to meet them at Nottingham?—Yes, it was said that Sheffield and Chesterfield were to meet them.

At Nottingham?—No; that they were to go from Wingfield, and that Sheffield and Chesterfield were to meet them and join them, and go to Butterley.

Was it said when they were to meet?—No, but they were to meet that night; the Monday night.

Was anything said about the North?—I cannot recollect.

Shirley Asbury cross-examined by
Mr. Denman.

Was it mentioned that they expected a party to join them at Nottingham before they sent Weightman, before they collected the money?—It was not mentioned then; when they started they were to meet a quantity of men at Nottingham.

Had that been mentioned, that when they started they should meet a quantity of men at Nottingham, before the money was raised for Weightman to go there?—I do not recollect that it was mentioned before that time, it was mentioned after.

Are you sure it was not mentioned before?—Yes, I am.

Had anything been said about the overturn of the government before the money was collected?—I cannot recollect that there was anything said before, but there was something said after.

Had anything been mentioned about the stone quarry before the money was collected, or did that come after?—I do not know whether that came before or after, it came after I think; at least I am sure it did.

Was the prisoner in the room when the money was collected?—I do not know I am sure, whether he was or was not.

You cannot tell whether he gave anything, or what he gave?—No; I cannot tell whether he gave anything.

Did you give sixpence to send Weightman to Nottingham?—Yes, I did; but I did not know what it was for.

Did you give it him out of charity?—I put it upon the table; I did not know what it was for.

Who required you to pay sixpence?—I saw the rest of them giving sixpence.

And so seeing the rest of them giving sixpence, you gave sixpence too?—Yes.

You did not know at all what was to be done with that?—No; I did not.

You had not an idea that it was to take Weightman to Nottingham till afterwards?—Yes.

That is as true as all the rest you have told us?—I have said nothing but the truth.

That is as true as the rest you have said?—Yes.

Did they all give?—I cannot say.

You gave without knowing whether all the rest did or not?—Yes.

What did Cope give?—Sixpence, I believe.

What did Martin give?—I do not know

that Martin gave anything; I do not recollect; he might.

Can you state anybody in the room, who did not give anything?—No; I cannot state who did give and who did not.

There was no dispute, all gave their money very freely?—Yes.

I think you say that the prisoner Ludlam was not in the room at that time?—When the money was gathered, I cannot recollect whether he was in the room at that time or not.

Can you tell whether before the money was gathered, anything at all had been said about revolution, or overturning the government, or anything of the kind?—I do not recollect that.

You mean to swear, you do not know whether when the money was collected anything had been said about overturning the government?—Yes.

Had the verses been recited before that time?—I do not know whether it was before or after, but it was mentioned.

You do not know whether the verses had been recited before or after?—No.

Had the map been produced before that time?—No; I do not think it had.

Will you swear it had not?—Yes.

Had anything then been said about a cloud from the North?—I do not recollect anything about a cloud from the North.

Had any thing been said about Sheffield, Chesterfield, Huddersfield, Wakefield?—I can remember Chesterfield and Sheffield.

Had they been mentioned before the money was collected?—I cannot recollect whether it was mentioned before or after.

Had the name of Oliver then been mentioned?—I never heard Oliver's name mentioned at all.

Never, till I mentioned it now?—Oh yes; I have heard his name mentioned since, but not at that time.

Then you have heard it since?—Yes, I have heard it since.

How soon after that meeting did you first hear it?—It was a long time after that.

Were the names of Jessop and Goodwin and Wragg mentioned at this meeting?—Yes, they were.

They were your masters?—Yes.

What was said about them?—Sheffield and Chesterfield were to meet the Wingfield men at Butterley, and they were to take the place, and to kill Mr. Wragg and Mr. Jessop.

That was mentioned in your hearing?—Yes.

In Cope's hearing?—I do not know whether Cope might hear it; I heard it.

Was he present when it was mentioned?—Yes; he was.

Was Martin present when that was mentioned?—Yes.

Was Elsdon present when that was mentioned?—I cannot tell whether Elsdon was or not.

Had you seen him go out before that time?—He went out to make water, several times.

But you heard that?—I heard it.

Did you tell Mr. Jessop?—No.

Did you tell Mr. Goodwin?—No.

Did you tell Mr. Wragg?—No.

Did you leave them to be shot, without any warning?—There was talk before that, that this was to commence.

Did you leave them to be shot, without any warning?—I did not tell them.

What had been mentioned before?—I said, I did not tell Jessop, nor Goodwin, nor Wragg, they were to be shot.

What do you mean by saying, this had been mentioned before?—This revolution was talked of before.

Before you went to this meeting at the White Horse, you knew there was something of the kind talked of?—No, not before I went to the White Horse, it was talked of afterwards.

When did you know it had been talked of?—I did not know when it was talked of exactly.

Why did not you tell Mr. Goodwin, Mr. Jessop, and Mr. Wragg, they were in such imminent danger?—I do not know that I had any right to tell, for they mentioned that if we mentioned any thing, they should cram us up the chimney; we told them there were constables in the room: and they said, that if we mentioned any thing, they should cram us up the chimney.

You did not know that you had a right to tell your masters, because this party said, they would ram you up the chimney if you told?—Yes, we were to be murdered too.

Why did you not mention that when you were examined before? you were twice examined before, why did not you mention that you were to be murdered too?—I did mention that.

Do you mean that there was any threat against you?—If we mentioned any thing about what was said there.

Do you mean that there was any threat against you if you mentioned what passed, or only that those who mentioned should be attacked?—They said, that if we mentioned any thing, we should be rammed up the chimney, and likewise that we should be murdered.

Do you mean to swear your fear of being rammed up the chimney, or being murdered, prevented your telling those gentlemen what you had heard about them?—Yes.

You saw them the next day; Mr. Goodwin, Mr. Jessop, and Mr. Wragg?—Yes.

You had an opportunity of telling them?—Yes, I might have told them, if I had thought of it.

Oh, you did not think of it?—I did not trouble my head, because I was sworn in the night before to protect my master's place.

You were sworn in the night before to protect your master's place, and therefore when you saw him the next day, after you had heard he was to be murdered, you did not think to tell him?—I did not think *nothing* about him; but they said if we did, we should be murdered.

When were the Chesterfield and Sheffield people to come?—They were to come the very next night.

You had been sworn in a special constable for the express purpose of protecting their property, not their lives?—I did not mention any thing about their lives, but to protect our master's place.

You never said a word about it to them?—No.

Did Cope tell them, do you know? perhaps you left it to him to tell them?—I do not know that he told them.

Have you any reason to think that he did?—No, I have not.

Did Martin tell them?—I cannot say that he did; I never heard him say that he did.

How came you to go to this public-house?—I did not know that I was going to this public-house.

How came you to go?—I was taking a walk towards Butterley, and was talking to some young men, and John Elsdon asked me whether I would take a walk: I said I had no objection; we went to Swanwick, and had two pints of ale, and he asked me whether I would take another walk: I said I had never been at Pentridge and should have no objection to go there.

You went to Pentridge out of curiosity on this Sunday?—Yes.

Who then proposed to go to the White Horse? did you happen to propose to go to the White Horse, or was it Elsdon?—I do not know; it could not be me, for I never had been there before; I did not know any thing of the White Horse.

But you might see it flying in the street?—Yes; I asked him whether he would have a pint of ale; and he said, yes.

And it was in consequence of that you went there?—Yes.

By the merest accident in the world?—Yes. Being at the White Horse?—Yes, it was in my road home.

Then you found those people talking about this matter of overturning the government, and as it might happen, murdering your master?—Not when I first went in.

But soon afterwards?—Yes; they did not make it any secret at all; they said that every man would be obliged to go; and they did not keep it any secret at all.

How soon after you first went did they begin to talk in this way?—Very soon after; I did not go into the parlour for some time after I went in.

How long had you been in the house before you went into the parlour?—Perhaps it might be half an hour.

What time did you first go to the house?—Twelve o'clock.

About half after twelve you might go into the parlour?—Yes.

And they began talking about this very soon after you got into the room?—Yes.

I suppose you desired your friend Elsdon to get out of this bad company as soon as you could?—I did not like it myself.

Did you try to get away?—If I had tried, I

might have come away ; but I did not like to come away without him.

You stayed to hear all that passed ?—No, I did not ; there was a good deal passed after I came away, as I heard ; I left at half past three or four o'clock.

You stayed from twelve to half past three or four, and they were talking of this all the time you were there ?—Yes.

You told them you were a constable ?—Yes. They did not mind that ?—No.

Can you tell me the constable's oath ?—When I was sworn in ? no, I cannot.

How soon after you had been there did Ludlam come in ?—I cannot exactly say how long.

Five minutes, or an hour or two ?—I think it was about one o'clock when he came in.

Who came with him ?—Turner.

Brandreth you found there ?—Yes.

Did Mac Kesswick come in by himself ?—No.

Who came in with him ?—There was another man came in with him ; I cannot say what his name was ; I should know him if I saw him again.

You are sure Turner and Ludlam came in together ?—Yes.

Shirley Asbury re-examined by Mr. Sergeant *Vaughan*.

I think you have told us your going there was quite accidental, that you did not know Pentridge before, and did not know there was any meeting there ?—I did not know of any meeting there.

How came you to go into the parlour ? who desired you to go into the parlour ?—Mrs. Weightman went into the parlour, and told them there were some Butterley chaps there.

Mrs. Weightman went while you were in the kitchen, and told them in the parlour there were some Butterley chaps there ?—Yes.

And upon that you went in ?—Yes.

At whose desire ?—She asked whether they would have any objection that we should come in.

Then you said, that you communicated to them in the parlour, that you were constables, when you heard the sort of conversation that you mentioned ?—Yes.

Upon which they threatened you in the way you have described ?—Yes.

You heard the names of Mr. Jessop, Mr. Goodwin, and Mr. Wragg, as persons who were to be murdered ?—Yes.

You have been asked why you did not mention that to them afterwards ; had you any reason to know whether Mr. Goodwin and Mr. Jessop, and the persons at the works, were at that time prepared to resist any attempt that might be made upon them ?—I cannot say whether they were or were not.

How many special constables had been sworn in to protect the works ?—I cannot say.

Ten, twenty, thirty, or how many ?—There might be thirty.

Who had been sworn in on the night before ?—Yes.

Do you know how they came to be sworn in ; you were one of them ?—I was one of them.

You have told us it was to defend the Batterley-works ?—Yes, it was.

So that that precaution had been taken ?—Yes.

You say that they threatened to shoot you ?—Yes.

You said before this, sixpence was subscribed ; you do not recollect that anything was said about overturning the government ?—No.

Do you recollect when any verses were read ?—Yes.

How soon after that, how long after you had been in the room were those said ?—A long time ; a good bit I had been in.

Was that after the subscription ?—Yes, it was after the subscription.

Mr. Sergeant *Vaughan*.—I did not ask him as to the song originally. Do you recollect them ?—Yes.

Repeat them ?

“ Every man his skill must try,
He must turn out and not deny ;
No bloody soldiers must he dread,
He must turn out and fight for bread.
The time is come you plainly see,
The government opposed must be.”

What was done with that ?—It was distributed about the room.

Were they written copies or what ?—I wrote mine myself.

Do you recollect who produced that ?—Brandreth.

Did other people write as well as you ?—Yes.

Copies were taken and written, and distributed in the room ?—Yes.

Mr. *Cross*.—Will your lordship permit me to put one question upon this, as to the verses ? You say you took a copy of these verses ; did you take them from the mouth of Brandreth, or copy them from another paper ?—I copied them from another paper.

For what purpose did you take a copy ?—Because the rest were taking them ; I did not know what I was taking it for, but because the rest were taking it.

All the company took copies did they ?—I cannot say whether all the company did, but many of them did.

Did Cope ?—Yes, I believe Cope had one. Martin ?—No, I do not think Martin had ; I do not know.

Have you got your copy now ?—No. Did you take it to Mr. Goodwin, or any of your masters at the works ?—No ; I got it off by heart ; I burnt mine.

When did you burn it ?—Either the next day or the day afterwards, I cannot tell which.

You got it by heart that day ?—Yes.

And burnt it on the following day, the Tuesday?—I cannot say which day it was.

William Smith sworn.—Examined by *Mr. Clarke*.

Where did you live in June last?—Wingfield-park.

What business are you?—A frame-work knitter.

Do you know the prisoner at the bar?—Yes.

Do you know his son Isaac?—Yes.

Tell me whether you recollect, on Monday the 9th of June, seeing his son Isaac and any persons with him, with any thing upon their shoulders?—Yes, I saw them go from home.

Which way were they going?—Down the lane just below their house, towards Boden-lane.

Who were the persons whom you saw go?—Old Isaac, and young Isaac, and William.

I speak of the afternoon; did you see young Isaac Ludlam?—Yes.

And Joseph Taylor and Benjamin Taylor?—Yes.

Where did you see them going that afternoon?—Coming down Boden-lane, into Park-lane, towards James Taylor's.

Were they carrying any thing at that time?—Bits of poles.

How many do you think they had?—Three or four a-piece.

What sort of poles?—The poles the same as the pikes were made of.

Like pike shafts?—Yes.

They had three or four of those a-piece?—Yes.

[Several pikes were produced.]

Were they such sort of poles as those?—Yes.

Had they any pikes on them at that time?—No.

Was the bark off them at that time?—Yes, I think it was.

They were carrying them you say towards James Taylor's house?—Yes.

Mr. Justice Abbott.—He has not told us what time of the day this was.

Mr. Clarke.—In the afternoon.

Mr. Justice Abbott.—I have not heard him say so.

Mr. Clarke.—About what time of day was it?—About five o'clock in the afternoon.

Did you see any thing of either of them that night again?—Yes.

Did you see the prisoner with either of them?—Yes.

What o'clock was that?—When I saw him was between eleven and twelve o'clock perhaps.

Between eleven and twelve at night?—Yes. You saw the prisoner?—Yes.

Did you see whether his son Isaac was with him then?—Yes, he was there.

Did you see Samuel Briddon?—Yes.

And William Ludlam?—Yes.

Were they all together?—Samuel Briddon and old Isaac were mostly behind.

Which way were they going when you saw them?—To Pentridge-lane-end.

Where were they going from at that time?—I do not know where they came from; I never saw them till there, not after they started from home.

How far was it from Ludlam's the prisoner's house?—About a mile I should think.

Had they anything with them at that time?—Yes, they had poles with spikes to them.

Were they such things as those?—Yes.

Had they each of them one?—Yes.

Did you afterwards go to the house of John Wilkinson with anybody?—I set out to go up Boden-lane.

With whom?—Henry Taylor and Samuel Taylor.

They went with you?—Yes.

To go from where?—To go from home.

Mr. Justice Abbott.—To go from home to what place?

Mr. Clarke.—To the house of John Wilkinson; you set out with those persons to go to John Wilkinson's?—Yes.

In your way there did you meet with anybody?—Yes, I met with a party of men before we had gone far up the lane.

What lane?—Boden-lane.

Who were those men?—James Taylor and George Weightman, Benjamin Taylor and Joseph and Miles Bacon.

Anybody else?—James Hopkinson and Abraham James.

You met those persons?—Yes, and Samuel Marriott.

Was anything said to you by any of them at that time?—Yes, when they met us they demanded us to go with them.

What did you say to that?—I refused going.

Mr. Justice Abbott.—Did you all refuse, or only you? I did not hear whether you said we or I.—We all three refused.

Mr. Clarke.—Who were you all?—Henry Taylor, Samuel Taylor, and myself.

Upon your refusal, what was done?—They gave us a spike a piece, and we went down the lane with them.

Whither did you go with them?—Down to Boden-lane-end.

Did you go to any person's house?—Yes; the party agreed that I should go to let Henry Taylor's family and my own know that we were going.

Did you go?—Yes.

Did you return?—James Taylor followed me up to the house, and brought a pike with him.

Did that occasion you to return?—Yes.

Whither did you go then?—We went down to the party.

Where was that?—Down to Boden-lane-end.

What party do you mean?—The party I had before met in the lane.

I think you said Samuel Marriott was with you?—Yes.

Was he carrying anything?—A bag of bullets.

Did Marriott keep that bag of bullets, or deliver it over to anybody else?—He delivered it to George Weightman.

Whither did you proceed then?—Down the Park-lane to John Marriott's.

Is that the wire-mill?—Yes.

Did you meet with any persons there?—Yes.

Did you find any persons when you got there?—After we had been there awhile, a party came down the yard.

What number do you think?—I do not know how many there were.

Was there anything done at Marriott's?—Yes, they demanded a gun.

What did Marriott do on the gun being demanded of him?—He got up; he refused to give it them.

What did they do or say on his refusing to give it them?—They said they would break the door open if he did not give them the gun.

What did he do then?—He came down the stairs and gave them the gun.

Had any thing been said about Marriott's gun at that time?—I do not know that there had; I did not hear it.

Was any thing said afterwards about his gun?—I cannot recollect that there was.

Had Marriott a gun?—Yes.

Was he called for?—I cannot say that they called for him.

Did he go with you?—No.

Was any thing said about his going with you?—I cannot particularly say that they did say anything, they might.

You say they took the gun?—Yes.

Having got this gun, what became of them? where did they go?—They went up to William Lister's.

Before they went to Lister's, did you attempt to get away from them?—In the wire-mill-yard.

What prevented you getting away from them?—James Taylor.

How did he prevent you?—He stood behind me.

Had he anything in his hand?—A gun.

You say you proceeded with them to Lister's?—Yes.

What did they do there?—They demanded his gun.

Was he in bed?—Yes.

Did he deliver them his gun?—Yes.

Immediately?—No, not immediately.

What did he say when they first demanded his gun?—I do not know what he said particularly, but he would not give it them.

What did they do upon his refusing to give his gun?—They went round to the kitchen windows and broke the windows; I did not go so further than into the yard, but I heard the windows smash.

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Was the prisoner Ludlam with you all this time?—No.

What had become of him?—I do not know what had become of him, he had not been with us.

Do you happen to know whether they got Lister's gun?—Yes, they got his gun.

Whom did you go to next?—Mr. Sella's's.

Does he live near Pentridge-mill?—Yes.

From this place you went to near Pentridge-mill?—Yes.

How far is that from the wire-mill?—Near the mill.

What did they do when they got to Sella's's?—They knocked him up to go with them; he got up.

Did he go?—Yes.

Where next did you go to?—Mr. Fletcher's.

Where did he live?—At Pentridge-lane-end.

What did they do there?—Demanded his gun.

Did he get up too?—I do not know whether it was he who got up, some of them got up.

Some of the people in the house?—Yes.

Did they get any gun there?—Yes.

Any thing besides the gun?—His man.

Where next did you go to?—Forwards, into Pentridge-lane.

Do you know James Turner?—Yes.

Did you go into his house?—I saw a man come out of his house, and him come out too.

They went in, and he came out with them?—Yes.

Mr. Justice Abbott.—Was that so?

Mr. Clarke.—He said so.

Mr. Justice Abbott.—No: you did not ask him, whether that was so; you said so, but the witness did not; he said yes, to what you said. I wish you would ask him.

Mr. Clarke.—Had any persons come out of the house?—Yes.

What became of Turner?—He came out and joined the party.

Where did you go to next?—We went up into the lane.

Into Pentridge-lane?—Yes, we were formed into rank there.

How many of you do you think were got together then?—I do not know.

Who formed you into rank there?—The captain.

Who was he?—I do not know his name, they called him the captain.

Did you know any of the persons who were there, at the time you were formed into rank?

—There was William Turner.

Had he any thing with him then?—He had a gun.

Did anybody assist the captain in forming you into rank?—William Turner.

When you were formed into rank what became of you?—We went towards Pentridge.

Did you go to any persons then in Pentridge?—I do not know that I did, I never went out of the road.

Did you hear?—I heard a rattling at a door. In Pentridge?—Yes.

Were any other persons brought up to you to join you in Pentridge?—I do not know that there was, there might be.

Did you see the prisoner Isaac Ludlam there?—I do not know as I did.

In any part of the march as you were going on?—I saw him at Butterley.

Did you see him before you got to Butterley?—No, I do not know that I did.

In what part of the ranks were you?—Nearly the last.

Do you happen to know who went behind you?—Isaac Ludlam and Samuel Briddon were the last always.

They went behind you?—Yes.

They came in the rear?—Yes.

Do you happen to know what they were doing there behind?—No, I do not, they never said *nothing* to me.

Did you make any offer to leave them as you were going along?—Not there.

Where did you?—At Codnor.

Do you know a place called the Coburn quarry?—Yes.

It is a stone quarry?—Yes.

Do you know who occupies that quarry? who had that quarry at the time you are speaking of?—Mr. Thomas.

Did he work it?—No, it was not worked much then.

Had it been working?—Yes, some time before.

Who had worked it?—Isaac Ludlam.

What distance is it from Isaac Ludlam's house?—I do not know how far it is; do you mean the quarry?—400 yards.

You got away, I think you said, at Codnor?—No, I did not get away; I meant to make my escape there at the Glass-house.

What prevented your making your escape there?—Isaac Ludlam was out of doors.

What was he doing out at the door?—We supposed he was guarding the prisoners.

What did he appear to be doing?—He was sheltering under the eaves.

Was it raining?—Yes, very hard.

Did you see him?—Yes.

Had he any thing in his hand?—Yes, a spike.

Did that prevent your escaping?—Yes.

Mr. Cross.—Do you mean the pike, or the rain, or the man, by the word that?

Mr. Clarke.—The man; he said so himself.

Mr. Denman.—He should say so himself, and not you for him.

Mr. Justice Abbott.—Ask him again, that will save trouble.

Mr. Clarke.—What prevented your escaping?—Isaac Ludlam, standing under the eaves with a pike in his hand.

Then Isaac Ludlam, standing there prevented your escaping?—Yes.

William Smith, cross-examined by Mr. Cross.

What did he do to prevent your escaping?—We supposed the man was keeping guard there.

But neither by word nor deed did he prevent your escaping?—No, he said nothing to us.

You were forced into the ranks against your will?—Yes.

He was not present, and took no part in that?—No.

As you marched along through the different places you have mentioned, till you got to Butterley, you saw nothing of him?—Yes, at Pentridge-lane-end.

Mr. Justice Abbott.—Where was it you saw him at Pentridge-lane-end?—I saw him just before James Turner's.

What do you mean by just before James Turner's?—Just before his house.

Was that at the time you said that the people went out, and James Turner came out?—Yes.

Thomas Turner sworn.—Examined by Mr. Gurney.

Do you live in South-wingfield?—No, not as present.

Did you live there in June last?—A little out of South-wingfield.

Have you been taken into custody on this business?—Yes.

And have remained in custody?—Yes.

On the evening of Monday the 9th of June last, were you at your father's house?—Yes.

Did you go from thence in company with any other persons?—Yes.

At about what time?—About nine o'clock, or a little before.

In company with whom?—Samuel Ludlam and John Walker.

To what place did you go?—To the meeting-house in South-wingfield.

Is that near the gates of colonel Halton?—Yes.

Whom did you see there?—William Turner and George Weightman, whom we knew, and a strange man with them.

Whom did you afterwards find that strange man to be?—The Nottingham captain.

What was his name?—I did not hear his name mentioned.

Do you now know that it was Brandreth?—Yes.

Had Brandreth and George Weightman and William Turner any arms?—Yes.

What, guns?—Each a gun.

Was William Turner doing any thing with that gun?—Yes.

What was he doing?—Loading it with a bullet.

Did George Weightman say anything?—Yes.

What did he say?—He said, "Come, lads, I expect an engagement very soon."

Did he say where and with whom?—Yes, with Mr. Jessop's men at Butterley furnace.

Was any thing said to you by William Turner?—Yes.

What was said?—William Turner said that was the captain, the strange man.

To whom did he say that?—To me, I asked him.

Did he tell you from whence the captain had come?—No.

Whither did Turner, Brandreth, and George Weightman go?—To Hunt's-barn.

Did you and those with you follow to or near to the barn?—Yes, near to it.

Were there any persons assembled at the barn?—Yes.

How many in number, do you think?—I do not justly know; perhaps a score, or something better.

Were they armed or unarmed?—Armed.

How?—With different sorts of weapons.

What sort of weapons?—Pikes and guns.

By pikes do you mean such pikes as those?—Yes.

Besides the pikes which the men had in their hands, did you see any other pikes piled up against the barn?—Not by the barn; I did not go to the barn, but there were a few up against the hedge side.

Besides the persons you have named to me who were there, did you see William Barker?—Yes.

John Hill?—Yes.

Mr. Justice Abbott.—Where were they?

Mr. Gurney.—I am speaking of the place near Hunt's-barn.—Yes.

Was Robert Turner there?—Yes.

Manchester Turner?—Yes.

Charles Swaine?—Yes.

Were all those armed?—Robert Turner, I cannot say whether he was armed or not; all the rest were, I know.

Did Brandreth the captain say anything to you as to whither you were going?—Yes, he said we must go to Nottingham-forest, where there would be a great quantity of people meet us.

Did Brandreth and Turner then do anything with respect to the body of men that were there?—They put us in rank.

Do you mean like soldiers?—Yes, two and two.

Did you receive any thing to carry?—Yes.

What?—A bag of bullets.

From whom?—George Bramley.

He was one of the party?—Yes.

How many do you think you then amounted to?—There might be something better than a score.

Were you then ordered to march?—Yes.

By whom?—By Brandreth.

For what place?—For Mr. Topham's ground, what is called Topham's-close.

Before you got to that place did you stop at any house?—Yes, James Hardwicke's.

Before however you marched, you have told me, there were some pikes lying there; were there more pikes than one?—Yes, I believe there were.

Did any persons carry more pikes than one, so as to have surplus arms?—They might, but I do not remember.

Was anything taken from Hardwicke's?—I do not know.

Where did you go to next?—Most of the party went to Henry Tomlinson's: I and a few others did not go.

Did you then go to Topham's-close?—Yes.

Had either of the party said whom you were to meet at Topham's-close?—Yes, George Weightman.

What did he say?—He said that we must march to Topham's-close, and that the Pentridge people would meet us there he expected.

Did you halt at Topham's-close?—Yes.

Who joined you there?—Isaac Ludlam.

The prisoner?—Yes.

Who with him?—His two sons, young Isaac and William.

What had they with them?—Spikes.

Such as those?—Yes.

Did any other persons come with them?—There might, but I did not see any others.

Did the Pentridge people join you there?—No.

When you found they did not join you there, was anything agreed to be done?—Yes.

What?—George Weightman said he would take the bullets and go by Coburn quarry and the wire-mill.

What was he to do?—And if he met the Pentridge people coming there he was to turn them back to Pentridge-lane-end.

Did he and others quit your party for this purpose?—Yes, I suppose so.

They quitted your party professedly for that purpose?—Yes.

Did George Weightman take the bag of bullets along with him?—Yes.

Where was the party that you stayed with marched to?—To Mr. Elijah Hall's.

Who then commanded you?—Brandreth.

Did he command you throughout the night in short?—Yes, most of the commands were given by him.

When you got to Mr. Hall's what was done?—There was a gun taken and his son forced away.

Did he give up the gun willingly?—No.

What was done to make him give it up?—Brandreth said, if he did not give the gun they should break the house open for it.

Did any persons go into the house?—Yes.

How many?—There were a good many in the house, I did not take particular notice how many.

Was Brandreth one?—Yes, and a good many others.

A gun was taken, and young Elijah Hall was forced to go with them?—Yes.

To whose house did you go next?—Mr. Walker's.

Was anything taken away from his house?—Yes, a pistol.

What kind of a pistol?—It appeared to be a brass pistol.

Who had that pistol for the rest of the night?

—Brandreth.

To whose house did you next go?—Mr. Bestwick's.

Whose next?—Samuel Hunt's.

When you got to Samuel Hunt's did you break in, or were you admitted without?—I cannot say; there was admittance in when I got there.

What was given you there?—Bread and cheese and beer.

I should have asked you a question; while you were at Mr. Hall's do you remember Barker saying any thing?—Yes.

What did he say?—He said he had wished for that day to come for long, but it had come at last.

Was the prisoner with you at that time at Elijah Hall's?—Yes.

When you marched on to Hunt's was he still with you?—I did not see him till we got there.

Did you see him while you were at Hunt's?—Yes.

With the pike in his hand still?—Yes.

After you had had your bread and cheese and beer at Hunt's, did you march away?—Yes.

Did Hunt, and his servant Daniel Hunt, go with you?—Yes.

To whose house did you next go?—Mrs. Hepworth's.

Did the prisoner go with you there?—Yes.

What was done at Mrs. Hepworth's?—There was a gun brought from there.

What was done when you arrived in the first place?—In the first place Brandreth went up to the back door and began thundering.

Did the people of the house open it upon that?—No, there was no answer made to that.

What was then done? did they open the door?—Brandreth called for some one to come and break the door open.

Upon his saying that, what was done?—Samuel Hunt went up with a stone, and threw it against the door.

What sort of a stone did it appear?—It appeared to be like the coping of a wall.

Did that force it open?—No.

Upon that was any attempt made at the window?—Brandreth left that door, and went to a window.

Was the window forced?—The window was broken when I got there; I did not see it broken.

The kitchen window?—Yes.

Did you hear Brandreth say any thing to the persons within?—I heard Brandreth tell the persons within, to give him the arms out, and open the door and let them in.

Did the persons within comply with his demand?—No.

What did he do then?—He then fired in at the window.

What mischief did that do?—It killed Robert Walters.

Mrs. Hepworth's servant?—Yes.

Did you remonstrate with him upon this?—Yes.

Did you do so in the hearing of the party?—Yes; there were people round about.

What did you say to him?—I went up to the window and saw Robert Walters lying upon the floor, and I said he should not have shot that poor innocent lad.

What answer did he give you?—He said it was his duty to do it, and he would do it, and if I said any thing more, he would blow my brains out.

Did he give you that answer publicly, and in the hearing of the party?—Others might hear it as well as I.

Have you any doubt they did hear it?—They must have heard it.

After this was done, did you get any arms from Mrs. Hepworth's?—Yes, a gun.

Was Ludlam with your party all the while this was transacting at Mrs. Hepworth's?—I cannot say whether he was there all the time.

Did you see him there?—Yes; I saw him go into the yard.

With the party?—Yes.

To what place did you then march?—To Pentridge-lane-end.

Did you there meet any other party?—Yes.

Were they armed?—Yes, some of them.

In the same way as your party were?—Yes.

Was Joseph Weightman, the younger, one of that party?—Yes.

Was Thomas Weightman one?—Yes.

Was Benjamin Taylor one?—Yes.

Was Joseph Taylor one?—Yes.

And Samuel Taylor?—James Taylor.

Was Samuel Taylor?—Joseph and Benjamin.

What place were you next marched to?—We went forward to the lane-end.

To whose house?—I did not go to anybody's house.

Did the party go to any house?—There was a party went to Wheatecroft's.

Was that at Buckland-hollow?—Yes.

Did you hear any noise of what they were doing?—Yes; I heard a disturbance.

What did they appear to be doing?—They appeared to be thundering at doors.

Did you hear them do that also at the houses of Pentridge-lane-end?—Yes; I heard them rattling at folks houses, and calling them up.

What were they getting from them?—I understood they were getting their arms and their men, what they could.

After you had done all that, to what place did you next go?—To Pentridge from thence.

As you were going to Pentridge, do you remember your captain saying anything about what men he wanted?—He was falling us in all together, and he asked whether there were any men who had been soldiers, or in the militia, or knew discipline, that if there were, they must turn out and keep the men in order.

Did any man turn out upon that?—Yes.

Who?—Charles Swaine.

Were the men then put in order?—Yes; they were put in rank, two and two.

By whom?—By Brandreth and William Turner, and this Charles Swaine.

Among the houses that your party went to, was Mr. William Booth's one?—Yes.

Was any poney taken from thence?—I believe there was.

Whom did you see taking that poney out, or leading it out?—I saw George Weightman with it, at the yard-gate.

Did Weightman desire you to help any man upon it?—Yes; he asked me to give a man of the name of Storer, a leg upon it; he pretended to be ill.

Was he one of the persons who had been taken out of his house?—I did not see him taken out, but I understood he was.

You understood then in the party that he was taken out of his house?—Yes.

Did he remain on?—Not far.

What became of him?—He tumbled off and lay in the street.

To what place were you then marched?—To Butterley-furnace.

When you arrived there, did Mr. Goodwin, one of the managers of the works, come out to you?—Yes.

Did you hear anything that passed between Mr. Goodwin and Brandreth, or any other of your party?—I heard him say something, but did not hear what it was.

After that, to what part were you next marched?—To Ripley-town-end.

What was done there?—Brandreth ordered us to halt, and to give three huzzas.

Did you do so?—Yes.

For what purpose was that?—I did not understand for what purpose it was.

Ripley-town-end is upon the high road to Nottingham?—Yes.

To what place were you then marched?—To Codnor.

That is in the high-road?—Yes, I believe it is.

Did you stop at any house there?—Yes.

At what house?—A public-house they call the Glass-house.

What was done?—Brandreth went to the door and knocked and called them up, and ordered them to fill some drink for us.

Was drink supplied?—Yes.

To what amount?—Eight and twenty-shillings.

Did you all go into the house there, or only part of you?—I cannot say; I went into the parlour.

Did a great many go in?—Yes, the house and parlour were almost full.

Did any person remain outside that you saw?—Not that I saw.

From thence where did you march?—To Langley-mill.

Before you got there, were any men fetched out of a barn?—Yes.

How many?—Three.

Were they forced to go with you?—I understood so; I did not see them forced.

Were they taken with you?—Yes, they were.

When you got to Langley-mill did you meet any person returning as from Nottingham?—Yes.

Whom?—George Weightman upon a poney.

Was that Mr. Booth's poney?—Yes, I understood so.

The poney you had lifted Storer upon?—Yes.

Had you known of George Weightman leaving the party before that?—I knew he had left it, but not where he had gone to.

What report did George Weightman make to your party, when he met them?—The party surrounded him, and asked him what was going on at Nottingham, and he told them that every thing was going on very well; that the town was taken, and the soldiers would not come out of the barracks, and we must march forwards as fast as we could.

Upon that did you march forwards?—Yes.

How far did you march with them?—Two or three miles beyond Eastwood.

Then you left them?—Yes, I did.

When you left them, were they still marching on towards Nottingham?—Some few; very few.

Who were leading them?—Brandreth and William Turner were together when I saw them.

How far did Isaac Ludlam go with your party?—I cannot say.

You saw him at Codnor?—No, I do not know that I saw him at Codnor.

What was the last place at which you recollect having seen him?—I do not remember having seen him after we were at Mrs. Heworth's yard; I might see him, but I cannot recollect.

At what time in the morning was it that you left?—It might be between nine and ten in the morning.

Then you had been with them from nine or ten at night, till between nine and ten in the morning?—Yes.

As you were marching along, and stopping, and so on, in the course of the night, was it said among you all where you were going to?—No, I cannot recollect anybody but Brandreth saying where they were going to.

Do you remember his saying where you were going more than once or twice?—No, I cannot.

Had you any weapon with you as you went along?—Yes.

What was it?—A pike.

Who gave it you?—Samuel Ludlam gave it me when I gave him the bullets.

You parted with the bullets to Samuel Ludlam, and then he parted with them to George Weightman?—Yes.

*Thomas Turner cross-examined by
Mr. Denman.*

What was it that Brandreth said about where you were going?—He said we were going to Nottingham-forest.

Did you hear that said by him more than once?—No, I cannot say that I did.

Whereabouts was it you heard him say that?—Before we started from Hunt's-barn.

The prisoner joined you sometime after that?—Yes, after that.

You saw him go into the yard at Hepworth's?—I saw him in the yard.

You are sure of that, are you?—Yes.

Do you recollect his dropping behind anywhere?—No.

Where was Brandreth stopping at the time that unfortunate thing occurred, of the shooting of the boy?—At the window.

By the outer door?—At the back side of the house.

Do you know the age of the prisoner's two sons? how old they are?—I cannot say.

They are both grown men, are not they?—They are both young men.

*Henry Tomlinson sworn.—Examined by
Mr. Gurney.*

I believe you are a farmer, residing at Southwingfield-park?—Yes.

On the night of Monday the 9th of June, did any body of men come to your house?—Yes.

At about what time?—Half past nine or a quarter before ten.

How many in number do you think?—There appeared to be between thirty and forty.

Were they armed?—Yes.

In what manner?—Some with guns, some with spikes.

By spikes, do you mean such weapons as those?—Yes.

What did they do at your house?—They went up to the door: I called "halloo"! and asked what they wanted; they said they wanted me and my gun.

What answer did you give them?—I told them they must have neither; they said they would; I told them my gun was gone to Ashover to be mended.

What reply was made to that?—They said if I did not open the door, they would break it, and find my gun, or else they would search my house.

Upon this threat did you open the door?—Yes, I opened the door.

Whom did you see?—There were two men entered the house, one called the Captain, the other I did not know the name of; but before them I saw William Turner.

Did the person who entered, whom you describe to be the captain, turn out to be Brandreth?—Yes, and William Barker.

You knew Turner and Barker before?—Yes.

Did you speak to them?—Yes, I spoke to them, and said, "well William are you one," and they answered "yes."

Did any of the party say anything to you?—I went into the house with them.

Did the party use any threats of any kind?—That was when I came out of the house; the captain said I must go with them.

Did you give them your gun?—Yes I did; and then the captain said I must go with them.

What answer did you give him?—I told him I would not.

What was said upon that?—He said I must go with them; I had better go that night than stop while morning.

Did he say why?—For he said there was a great gang coming from Sheffield, and a great cloud coming out of the North, that would sweep all before them.

What did you say to this?—I told him I would not go, and he presented his gun, and swore he would shoot me.

Did he tell you where he was going to?—Yes, he said they were going to Nottingham.

Did he say by what time they were to be at Nottingham?—By half past eight or nine, as I understood.

What else did he say?—He said they should need to go no farther than Nottingham, for London would be taken before they got thither.

Did they at last force you to go?—Yes.

Did you propose what you should carry?—Yes; I wanted to carry my own gun, but the captain would not let me.

What did he say?—That I must carry a spike.

Was a spike put into your hand?—Yes.

Were you marched away?—Yes.

Did you manage to get away from them soon?—Yes, George Weightman bade me give him my spike, and he let me go back again.

Were you and he acquainted?—Yes; and I said it was a very lonesome place to leave my wife by herself; and he said I should go a little way and then turn back again.

Did he go on with the party when you returned?—Yes; about three hundred yards off he took the spike, and let me go back.

Which way did they then march?—They marched right forwards, making towards Nottingham as they talked.

*Mr. Elijah Hall senior sworn.—Examined by
Mr. Sergeant Copley.*

I believe you are a farmer and miller, and live in Southwingfield-park?—I am, I live there.

Do you remember at what time you got to your house on Monday night the 9th of June?—About eleven o'clock.

From your mill?—Yes.

Did you fasten up the house?—The house door was fastened as I got in.

After you had fastened the house door, did you hear any persons on the outside?—I heard the footsteps of two men.

Did they say anything to you?—One of them asked whether any men had been there that night.

You were then on the inside of the house?—On the inside.

What answer did you make?—I told them there had.

What did they reply?—They asked me if they had taken any guns away, and I told them they had.

After that conversation did they go away?—They did.

Did you afterwards open the house door?—I did.

How soon?—A very few minutes.

Did you see any persons?—I did not immediately on opening the door.

How soon?—In a very few minutes, in a very short time indeed.

Where were they?—Coming into the yard.

Were they few or many?—There appeared I thought about thirty, perhaps more or less.

Were you at the time on the outside of the house?—I was.

How far from the door?—Not ten yards.

Were the men armed or unarmed?—They had pikes, guns, and one of them had a sword.

You say you were about ten yards from the door; did the men see you?—They did.

What did they say?—I asked them what they wanted there at that time of night.

What answer did they make?—They said they wanted fire-arms.

What reply did you make?—Some of them said they wanted a bigger loaf and the times altered; I told them it was not in my power to do either; I also told them I had no fire-arms for them.

While this conversation passed, did any person inside the house do anything to the door?—Some person inside the house fastened the door.

What did the people outside the house do when you said you had no fire-arms?—They said they knew I had, and demanded them, and told me I had better deliver them up quietly to prevent further mischief, and my house from being fired.

Any thing else?—About that time there was a gun fired about half a mile off.

In which direction?—The west.

Was that Fritchley?—Yes.

Fritchley is in a direction towards Pentridge?—No, in the opposite direction.

After the gun was fired, what did they do?—They demanded guns.

They repeated the demand for fire-arms?—Yes, and began to force the door.

Before they began to force the door, or while they were forcing the door, did they say anything further about what was going on?—Not that I recollect.

Did they get into the house?—There was a gun given to them through the window.

Was that the window of the room in which your son slept?—It was.

After the gun was given to them what passed?—I told them I hoped they would go away quietly, as they had promised me at first.

Upon your saying that what answer was made?—They said I must go with them.

What did you say?—I told them I would not.

Upon your saying you would not, was any answer made or any thing said?—Some of them said, "he has sons, we will have them;" on which the captain said, "if he has sons, we will not take the old man;" they then desired me to open the door, and fetch my sons out: I told them I could not, being outside as well as themselves.

What was done then upon that?—They then ordered me to command it to be opened, and on refusal they began to force it.

On your refusal?—Yes.

Upon their endeavour to force the door what was done?—Some of them said, "captain, how must it be?" after they had made several fruitless attempts with their pikes at the door, the captain said "blow it to pieces."

What was then done?—The door was then opened by some person inside.

Did any body go in upon the door being opened?—There did.

How many?—To the number of a dozen or more; twelve or more.

Did the captain go in?—He did.

Did you go in also?—I did.

What took place inside when you and they went in?—The captain ordered me to fetch my sons out of bed. I told him I would not.

Was the bed room up stairs?—Yes, it was; upon which he said, "if you will not I will blow your brains out."

Had he a gun in his hand?—Yes, he had.

What did he do?—He gave me two thrusts in the side with the muzzle of his gun, and presented it at me; Thomas Turner cried out, "do not shoot." The captain then took a candle from some person in the house, and lighted it at the fire; and he and several others went up stairs.

Into the bed room?—Yes, into the bed-room where my son slept.

Could you hear in the kitchen what passed up stairs?—I could hear a great noise; I could hear one person threaten to hash them up, if they would not get up.

Did you hear anything more upstairs, except the noise and the expressions you have mentioned?—No.

What did they do?—They brought one of my sons down into the house place.

Down stairs?—Yes.

Which of your sons?—Elijah.

Was he quite dressed when he came down, or only partly dressed?—Only partly.

Did he bring down the rest of his clothes with him?—I think not.

Did he finish his dressing in the house?—He did.

Whilst he was completing his dressing in the house place, can you tell us any conversa-

them that passed?—I asked the captain where he was going, that is, where he was taking my son.

What answer did he give?—He said he was going to Nottingham; that he believed Nottingham was given up at that time; that there was a general rising throughout the country, from whence their object was London, to wipe off the national debt, and begin again afresh.

Among the party outside the house, did you see the prisoner at the bar, Isaac Ludlam?—I did.

Inside the house, did you see Isaac Ludlam the younger, his son?—I did.

Did you see William Ludlam inside the house?—I did.

Did you see Manchester Turner?—I did.

Robert Turner?—I did.

John Walker?—I did.

William Walker?—I did.

Thomas Turner?—I did.

Mr. Justice Abbott.—Did you see all of them within the house?—Yes, all within the house, except the prisoner.

Mr. Sergeant Copley.—Was anything said in the course of the conversation about the consequence of what they had done?—I asked them if they knew the consequences of what they were going about.

Mr. Justice Abbott.—Of whom did you ask that? of any particular person, or of the party?—Of the party.

Outside or inside the house?—Inside the house.

Mr. Sergeant Copley.—What answer did they make?—They said they knew the consequence; it was hanging what they had done already; they were determined to go on.

Mr. Justice Abbott.—Do you know who said that?—No, I do not.

Mr. Elijah Hall senior cross-examined by Mr. Cross.

It was the party inside the house that spoke in that way, that they were determined to go on?—Yes.

The prisoner was outside?—Yes.

Was there a light inside?—Yes.

And that was strong enough to enable you to see them?—No, it was not.

How was it you saw him then?—There was light enough outside the house to enable me to distinguish him.

Elijah Hall the younger sworn.—Examined by Mr. Sergeant Copley.

You are the son of the last witness, and lived with your father in Southwingfield park, on the 9th of June?—Yes.

Do you remember any party coming to your house that night?—Yes.

Did you hear them outside the house?—I did.

Did you afterwards hear them inside the house?—Yes.

While they were outside the house was any gun given out of the window?—Yes.

Of your room?—Yes.

After they had got into the house did any of them come up into your bed-room?—They did.

Can you tell us about how many?—I cannot say positively, there were several came up.

When they came up there, what did they say or do?—They demanded me to get out of my bed and go along with them.

Was Jeremian Brandreth one of those that came into the room?—He was.

When they demanded you to get out of your bed and go along with them, what else did they say?—They told me they could not wait for me, that I must make haste.

Did you get up?—I did.

Did you dress yourself in the room or how?—I partly dressed myself in the room.

And then you went down?—Yes.

When they told you to get up and go along with them, did they say anything as to what they would do if you would not get up?—They threatened to murder me if I did not.

Was it in consequence of that conversation and that threat that you got up and went?—It was.

After you had finished your dressing below stairs did they compel you to go?—They did.

Did you ask them yourself anything about where they were going?—I did.

Whom did you ask? which of the party?—I cannot recollect which it was.

What answer did they give you?—They told me that they were going to Nottingham.

Did they tell you what they were going to Nottingham for?—That they were going to meet a great party of other men on the race-course at Nottingham.

Did they tell you what for? what they were going to do?—They told me they were going to break the laws and to pull down the parliament house.

Did they tell you what you were to get when you got to Nottingham?—They told me I was to have a deal of money when I got to Nottingham.

Did they tell you how much?—They told me there would be 100*l.* for every man that got there.

Did you consent to go, or did you refuse?—I refused.

Mr. Justice Abbott.—He has said that he was compelled to go.

Mr. Sergeant Copley.—After you left the house where did you go to next?—First to Isaac Walker's.

Did you make any attack upon Isaac Walker's house?—They did.

What did you get there?—A gun and a pistol.

After you had got the gun and the pistol at Isaac Walker's house, what place did you go to next?—To Henry Bestwick's.

Did they make any attack upon Bestwick's house?—They did.

Did they get any thing there?—They got a gun.

Where did they go to from Bestwick's house?—To Samuel Hunt's at the lodge; to Southwingfield park.

A house they call the Lodge?—Yes.

Which Samuel Hunt occupies?—Yes.

Did they stop there?—I was not there at the first.

When you got there did you find them in the house?—They were.

What were they doing in the house when you got there?—They were bringing out the bread and cheese.

Who was bringing out the bread and cheese?—The servant girl or Samuel Hunt himself, I do not know which it was.

Did you see Samuel Hunt there?—I did.

Had they any thing else besides the bread and cheese?—Some table beer to drink.

How long did they stay there?—They did not stop long.

When they went away from there, did Samuel Hunt go with them?—He did.

Has Samuel Hunt a man called Daniel Hunt?—He had at that time.

Did he go with them?—He did.

Had Samuel Hunt any arms?—His man took a gun with him.

You have told us this party went first from your father's house to Isaac Walker's, from Isaac Walker's to another house, and from that to Hunt's; I want to know whether Isaac Ludlam was of the party?—Yes, he was.

Mr. Justice Abbott.—At each of those places?—Yes.

Mr. Sergeant Copley.—Where did the party next go to?—They went from there to Mrs. Hepworth's.

What did they do when they first got to Mrs. Hepworth's?—They made a great disturbance at the kitchen door.

What passed?—The family got up and asked them what they wanted, they told them they wanted men and arms.

What answer was returned from the inside of the house?—They told them they should neither have men nor arms there.

What was then done?—Some of the party went to the kitchen window and broke it open.

After the kitchen window was broken open what was done?—There was a gun fired.

By whom?—By the Nottingham captain.

Into the kitchen?—Yes.

Was any body shot by it?—Robert Walters was shot by it.

Was Isaac Ludlam of the party at that time?—I did not see him present when the gun was let off, but I saw him before we left the house in the back yard; I did not see him at the present time when the gun was let off.

How long might you be about the house in the whole?—A very few minutes.

After the shot was fired, what then happened?—They demanded Mrs. Hepworth's gun.

Was it given to them?—It was given to them.

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Upon the gun being given, what did they do?—They went away.

Where did they then go to?—They went from there to Pentridge-lane-end.

Did they attack any houses at Pentridge-lane-end?—They did.

Did they go from thence to Buckland Hollow?—Yes, some part of them did.

Did they make any attack there?—I did not see any.

Did you hear any?—I heard some thunders at the door.

At Wheatcroft's?—Yes.

Did that party that went down to Wheatcroft's again return?—They returned to Pentridge-lane-end.

Did you then go up to Pentridge?—We then went up to Pentridge, and they attacked several houses in Pentridge.

While they were attacking those houses, some of those houses in Pentridge, what did you do?—I made my escape.

Mr. Isaac Walker sworn.—Examined by Mr. Reader.

Where do you live?—At Wingfield-park.

What are you?—A farmer.

At any time on Monday night, the 9th of June, after you were in bed, were you disturbed?—Yes.

At what time of night was that?—About half past eleven o'clock.

Were all your family in bed?—They were.

What disturbed you?—A dog barking.

Did you get up?—Yes.

Did you go to the window?—Yes.

What did you observe?—A parcel of men coming up the yard.

About what number?—I supposed about forty.

Were they armed or not?—Armed.

What with?—Those kind of things [pikes] and guns.

Did they come up to your house?—Yes, they came to the front door.

What did they do?—They demanded entrance; I asked them what for, they said they wanted my fire-arms.

What answer did you give them?—I asked them what they wanted them for; they said that was no business of mine, they were determined to have them; they demanded a gun and a brace of pistols.

What answer did you give them?—I told them I had a gun, but I had no pistols; they presented a piece at me, and said they would fire at me.

Did more than one person present a piece?—Only one.

Mr. Justice Abbott.—You were standing at the window at this time?—Yes, at my bedroom window.

Mr. Reader.—The window was open?—I pushed up the sash; they said they would fire at me if I did not immediately open the door; upon that I went down and opened the door.

Did any person say any thing to you?—Some of the party told him not to fire, but to give me time to put my clothes on.

Then you went down and opened the door?—Yes, and I gave them the gun; I took the gun down with me, and gave it them, and they went away then.

What became of you?—I was going up stairs again, I heard them rap at the door again, I went back, and they said they knew I had one pistol.

You went back and opened the door again?—Yes, I did; they said they knew I had one pistol, if I had not two, and that they were determined to have that and all; they demanded a servant man also.

What did you say to that?—I told them I had none; they said they knew I had, and they would have him.

Had you a servant man?—No.

Did you tell them so?—Yes, and they went away then.

Mr. Justice Abbott.—You gave them the pistol did you?—Yes, I did.

Mr. Reader.—On their demanding the pistol a second time you gave it them?—Yes; they said they would make me glad to give it them.

What sort of a pistol was it?—A brass barrelled pistol.

Look at the prisoner, Isaac Ludlam; did you see him there?—Yes, I believe he was there.

Have you any doubt about it?—No.

Had you known him before?—Yes.

Where was he at the time this passed?—Under my window, but rather to the right of it.

Mr. Justice Abbott.—You saw him there?—Yes, I saw him; I knew his voice.

Mrs. Mary Hepworth sworn.—Examined by Mr. Reader.

Where do you live?—At South-wingfield-park.

Have you a farm there?—Yes.

Were your family disturbed on the night of the 9th of June last?—Yes, between eleven and twelve o'clock.

Were you and your family in bed?—We were in bed at the time.

Of what did your family consist?—Two servant men, Fox and Walters; my son William Hepworth, and two daughters.

What disturbed you?—A noise at the door.

What kind of a noise?—A loud knocking at the door, as loud as thunder; I suppose with the pikes.

Did you get up?—I got up immediately.

What did you do when you had got up?—They demanded men.

Did you go to the window?—I went down stairs and stood in the kitchen; they kept up the noise at the door and the window of the kitchen.

The door and the window were both in the

kitchen?—Yes; and then they came to the front of the house and demanded men and guns.

Then they went to the front of the house?—They did not go from thence, there were others came in front of the house.

What were they doing in front?—Knocking at the door, and demanding men and guns.

Did you make any answer to that demand?—I told them they should not have any. I went up stairs again, and I told them that from the window.

Did you open the window?—Somebody had done that. I told them they should have none; that they were doing very wrong.

Did you go down stairs again?—I did. The window was broken open.

The kitchen window?—Yes, the back kitchen window; and a man was immediately shot.

In what way was the window broken open?—The shutters were forced into the room, and the glass fell both ways.

Immediately as you came you heard what?—A man was immediately shot.

What man was that?—Robert Walters.

Where was he at the time he was shot?—He was set down stooping, as if he was putting on his boots.

How long did he live?—Perhaps ten minutes, I cannot exactly say.

After Walters was shot, what more passed?—They called out for men and guns. I told them I could not let them have them. The gun had been hid in the cellar, and I ordered my son to go and give it them, or I imagined we should all be murdered.

Did he give it them?—He gave it them out of the window: they desired to have the butt-end forward.

When they had got the gun, did they desire to have any thing else?—They still said they must have the men.

You were then in the kitchen?—Yes, I was.

What did you do?—I went up stairs and told them they had shot one, was not that sufficient for them.

Did they then go away?—They went away when they had got the gun.

Henry Hole sworn.—Examined by Mr. Reynolds.

On the 9th of June last, were you a labourer at Pentridge-lane-end?—Yes.

Were you disturbed on the night of the 9th of June?—Yes.

About what hour?—About twenty minutes before twelve o'clock.

Had you been in bed, and did you get up?—Yes.

Did you go to your window and see any body?—I went to my window and put my head out, and said, "halloo, who is there, what do you want."

What was the answer?—The answer was "we want you to volunteer yourself to go with us, or else we will break the door down and murder you."

Did you go and open the door?—I went down and opened the door, and I saw four men.

Do you know the names of any of those four?—I know Joseph Weightman and Joseph Topham.

Was any thing said to you by any one of them?—I asked them where they were going, they said they were going to Nottingham.

For what purpose did they say?—I said if they were going to Nottingham I could not pretend to go with them, for I had no money to carry me there, nor I had no money to take care of my family while I was gone.

Was any answer made to that?—They said I needed no money; that they should keep me on roast beef and ale, and there was people fixed to take care of every body's families that would come in two days or under.

Were you then obliged to go?—They said I had better go that night than stop till morning.

Did they give any reason why you had better do so?—That they would come out of Yorkshire like a cloud, and take all before them; and those that refused to go would all be shot, they said.

What did you do?—I dressed myself and went out.

Was anything given to you?—A pike.

Anything like this?—Yes, like that which lies this way; I carried it a little way, and said if they were going to Nottingham I was not able to carry it, it was so heavy; and if they did not take it I should hurl it down.

Where did you go?—I went on the turnpike road towards John Sellars's.

Mr. Justice *Abbott*.—Did you throw it down?—Yes, I did.

Mr. *Reynolds*.—Was anything done at John Sellars's?—When I got against John Sellars's, I saw John Sellars and his apprentice coming from against his own door.

From whose door?—John Sellars's.

Did any other number of persons join you?—I heard some others coming over the meadow from Mrs. Hepworth's.

Did they join you?—They joined us at Mr. Fletcher's.

When you were at Mr. Fletcher's who was there? was Brandreth there?—Yes, I saw him.

Who else?—William Turner and Manchester Turner, Isaac Ludlam and William Ludlam.

By Isaac Ludlam do you mean that man?—Yes.

The prisoner?—Yes.

Anybody else?—Joseph Weightman and Joseph Topham; and I saw Samuel Hunt as we were going out of the yard.

What was done at Mr. Fletcher's? was any thing taken from him?—Yes, there was a man and a gun taken.

Was that man's name William Shipman?—Yes.

From Mr. Fletcher's where did you go?—We went a little on the turnpike road; there

we were divided. Brandreth and the biggest party of men went to the row of houses.

To what row of houses?—What they call George Turner's; they are George Turner's and his sons.

Whereabout was that?—At Pentridge-lane-end.

What became of the other party? where did they go?—Me and Samuel Hunt, and eight or ten others, went towards Samuel Booth's.

Was anything taken from Samuel Booth's?—They took Samuel Booth's son, Hugh Booth.

Did Brandreth's party join you again there?—Yes, he joined us before we went away from there; Brandreth, not his party.

Was the prisoner, Isaac Ludlam, of your party who went to Booth's, or not?—No, I believe he was not; I did not see him.

Did you go to Mr. Wheatcroft's, in Buckland Hollow?—Yes.

What was done there?—The door was broken open, and three men and a gun were brought away.

Did you return back to Pentridge-lane-end?—Yes.

Did you there meet the other party?—Yes.

Was anything done there?—Yes, we were formed into ranks there, three deep.

Where were the persons put who had guns, and those that had spikes?—The biggest part of the muskets in the front, the pikemen in the middle, and a few muskets behind.

When you were thus formed, was any thing said?—The word of command was given to march.

Who was in command?—Brandreth.

Where did you then go?—We went along the road towards Pentridge.

Did you see anything of George Weightman?—I saw George Weightman as we were going out of Pentridge, on William Booth's pony.

Did you hear it stated where he was going with the pony?—I heard it stated among them that he was going to Nottingham, to let their friends know that they were coming.

Did you go onwards to the Butterley-works?—Yes.

Did you see Mr. Goodwin there?—Yes.

What passed?—I saw him come out of the office.

Did he say anything?—First Brandreth and William Turner knocked at the door, and then he came out of the office.

What did he say?—He called about for his men, and he said there were a great many too many already, without they were for a better purpose upon a better subject.

Was the prisoner, Isaac Ludlam, there then?—I cannot recollect seeing him.

Upon Mr. Goodwin saying that, what further passed?—There was a man in the rear said, "You have no business there;" which I took to be John Bacon.

Said to whom?—To the men; to the captain; "you had better turn off;" they turned off and marched towards the Coke Heath.

The captain turned off?—He first, and they all followed.

Did you then proceed to Ripley?—Yes, there we were halted.

Did you go afterwards on to Codnor?—Yes.

Did you go to the Glass-house public-house?—Yes.

What sort of a night was it at this time?—A very wet night.

Did the party go into the public-house?—Yes.

Was any body at the door?—I saw Isaac Ludlam while they were at the door, stand at the door with a musquet in his hand.

Where were you when you saw him?—I came to the door to look out.

Had you been in?—I had been in the back kitchen.

How did he appear to be standing, in what way?—He appeared to be standing against the wall, with a musquet in his hand.

How long did you stay at the Glass-house at Codnor?—About half an hour.

Do you know whether Isaac Ludlam continued at the post at the door?—No, I cannot say for any thing any further.

You saw him there?—Yes, I did.

Did you go afterwards to Mr. Raynor's?—Yes.

Was any person taken from Mr. Raynor's?—Yes, they took his man and his gun, and a pitching fork, and perhaps more.

While you were at Codnor, did you see any person of the name of John Bacon there?—Yes.

At the Glass-house?—Yes.

Did he say anything?—I heard him say the government had robbed them and plundered them of all that ever they had; that that was the last shift they ever could make.

Was anything more said by Bacon at that time?—I do not recollect anything.

You had something to eat there, had not you?—I had nothing; some of them appeared to be eating, but I believe it was what they brought with them.

Was anything said about a bill?—Yes, I saw a bill given to the captain and John Bacon.

Had they had something to drink there?—Yes.

Some ale?—Yes.

Was anything said about the payment of that bill?—I heard them say it would be paid in a fortnight when the job was over.

Who said that?—Either the captain or John Bacon, I cannot say which.

Had any of the other party gone to any other public-house?—Yes, there was a party went to a public-house called the French Horn.

Is that at Codnor?—Yes.

Mr. Justice Abbott.—How does he know that?

Mr. Reynolds.—Did you meet any other party as you left the Glass-house?—There was a party came from Hartsay to the Glass-house,

and after we left the Glass-house a party came from Swanwick.

What was done after the parties met? were you formed again?—No, there was no regular form that I can recollect.

Did you go on afterwards to Raynor's?—We afterwards went in along the Nottingham road to Raynor's; there we were halted.

At Raynor's a man and a gun and a pitching fork were taken?—Yes.

Did you go from Raynor's towards Langley-mill?—Yes.

When you were near Langley-mill did you see George Weightman?—I saw George Weightman on William Booth's pony.

In what direction was he coming?—He was coming from towards Nottingham.

On the turnpike road?—Yes.

Did he go and speak to anybody?—As he went past us I heard him say, "March on my lads, all is right; they have bombarded Nottingham at two o'clock this morning, and it is given up to them."

Did you march on?—Yes.

Did you go in the course from Langley to Eastwood?—Yes.

In going that way had you any conversation with a person of the name of Barnes?—Yes, we were halted at Eastwood.

What was it Barnes said to you?—I asked him what they were going to do when they got to Nottingham; he said, they had fixed up a fresh government at Nottingham, and they was going there to defend it until the other counties came into their terms.

What further did he say?—He said he had never been set down.

Did he say anything about London?—He said it would be soon all over, for by a letter he had seen yesterday, the keys of the Tower would be given up to the Hampden Club party, if they were not already.

What else did he say?—That he had never been set down since four o'clock yesterday morning; I asked him what he had been doing.

What did he tell you?—He said he had been providing guns, pikes, and ammunition.

Did you see the prisoner at the bar during the time of your march from place to place?—Yes, most of the time; I cannot say that I always saw him.

Whereabout was he?—He appeared to be in the rear chiefly.

What was he doing in the rear?—He seemed to walk in the rear to keep the men up together apparently, he and James Taylor.

Did you observe what he was doing?—That is all the observation I made from what I saw him do.

That appeared to be his chief employment during the time you saw him?

Mr. Denman.—He does not say that was his employment.

Mr. Reynolds.—Did you make that observation upon him which you have stated?—Yes.

How did he seem employed?—He seemed to walk in the rear, to keep the men up.

What numbers were there about Langley-mill?—I should think about two hundred in the party I was with.

Did you at any time when you were at Eastwood make any attempt to get away?—Yes.

Were you prevented by any body?—Brandreth came up to me with a gun, and said, if I did not go into the rank again he would shoot me; I perceived that he had got a gun, and I stepped up to him with a stack-paring knife, and said if he offered to present his gun, I would hack his head off.

What then?—He stood a short time and turned off, and I then marched off.

Did you return?—When I had walked fifty or sixty yards I heard a cry of “do not shoot.”

What became of you, did you look back?—Yes, I looked back, and I saw Brandreth with the gun at his shoulder pointed at me; Thomas Turner took hold of him, and drew the gun off.

On your return did you meet any other number of persons?—I met a party of about fifty; a few with guns and spikes, but the chief part were colliers unarmed.

Which way were they going?—They were proceeding after the others along the Nottingham road.

How long had you left the others when you met them?—Not long.

Did you meet any other party?—I saw another party, but I did not meet them; I went by the bank to miss them.

What number might they consist of?—There might be sixty, or there might be more.

Were they proceeding the same way?—No, they stood still when I first saw them; then they proceeded along the same road.

In the way for Nottingham?—Yes.

Had they anything with them?—They appeared to be some of them armed, but I was not very nigh, and I could not judge exactly.

Henry Hole cross-examined by *Mr. Cross*.

The first house you went to was Booth's?—No.

Which was the first house?—John Sellars's.

You stood by with the rest?—At John Sellars's I did.

Were you in sight of Sellars?—I saw him come from his door.

And he could see you?—I cannot say that.

Were you near enough to be seen by him?—Yes.

As you stood with a pike?—No, I had not.

With the weapon you have mentioned?—I had no weapon at that time.

You afterwards went with them to Booth's, did not you?—Yes.

Were you in any other house with them besides those two?—Yes, I was at Mr. Wheatcroft's.

Were you in any other?—I just looked into a house up at Pentridge, where I saw some people smoking, and the Glass-house.

At all those different outrages, you appeared as one of the party?—I was amongst the party.

And you never announced to any of the persons who were so visited, that you were amongst them against your will?—It was against my will.

We do not doubt that my friend at all; but you did not say so at any of the houses that were attacked?—No, I cannot say that I did.

You told us of a violent speech made by Bacon in the back kitchen at the Glass-house; Isaac Ludlam the prisoner was not present at that time?—I never saw him in the kitchen; I cannot say that I ever saw him there; but when I went to the front door there I saw him stand.

What part of this body of people were you in? near the front or the rear?—Along the march I was not always in one place when we were not in rank; sometimes in the middle and sometimes along the rear.

So that Isaac Ludlam, the prisoner, was very often out of your sight?—Sometimes he was out of my sight, and sometimes in.

He changed his place perhaps as much as you?—I cannot say much as to that; he was in the rear when I saw him.

He was generally the last?—He was the last, or very near it; there were he and James Taylor.

Seeing him there you suppose it was to keep the people up?—It was said by the company many times that he was.

He was not present when that was said, was he?—I cannot say.

What you know of his keeping up the rear, was chiefly what you heard said?—Yes, and seeing him there.

You did not see him?—No, except standing at the Glass-house.

But you are not positive you did not see him in other parts?—No; but when I recollect seeing him he was there.

But if I understand you right, you did not see him often in that situation?—He was there when I saw him; I cannot say more than I have.

This is of importance to him, and affects his life, therefore you will excuse my pressing you upon it whether you saw him often?—No, I cannot say that I did see him often there.

Had you known him before?—Yes I had; I wish I had never known none of them.

John Dexter sworn.

Mr. Denman.—Do not you live in the parish of Pentridge?—Yes; I beg your pardon, Buckland Hollow is in Heage.

Mr. Richardson.—Is Heage a parish, or in any other parish?—It is within the parish of Duffield.

Mr. Denman.—Duffield is a very large parish?—Yes.

Containing different townships?—Yes.

Do you know how many townships there are in it?—No.

Mr. *Richardson*.—Is the town of Heage at some distance from Buckland Hollow?—Yes.

Mr. *Denman*.—What is Buckland Hollow? a single house?—Yes.

There is a township of Heage?—Yes.

Mr. *Richardson*.—This is a sufficient description of the place of abode, I submit.

John Dexter examined by Mr. *Richardson*.

Were you in the month of June last servant to Mr. Wheatcroft?—Yes.

On the night of the 9th of June were you disturbed?—Yes.

At what time?—About twelve or between twelve and one.

What were you disturbed by?—By a desperate noise I heard in the yard, and the first word that I heard was—

Mr. *Cross*.—My lord we are referring to the statute 7. Ann. c. 21; we have not quite abandoned the objection with respect to the description of this witness. It is provided, that a list shall be delivered to the prisoner, specifying the names, professions, and places of abode of the witnesses; the question is, whether the place of abode of this witness is sufficiently described in the panel; the place of abode is stated in these words, "of Buckland Hollow, in the parish of Duffield, in the county of Derby." Now the evidence is, that Buckland Hollow is the name given to a single house where the witness lives, and that the parish of Duffield contains a great many townships; that being the case, I conceive this is not a sufficient description of the place of abode within the meaning of the statute which directs the place of abode to be described. I apprehend the correct mode of describing the place of abode of any person is by describing the township in which he lives, and that there is no other correct mode of describing a person's place of abode in a country situation; if it were sufficient to describe the witness's place of abode as it is here described, it might be sufficient also to say "of the parish of Duffield" or it might be sufficient to say "of the county of Derby" and it might be contended, that describing the place of abode of the party to be in counties would be sufficient to satisfy the directions of this act. In a parish containing several townships and a numerous population, it can hardly be expected that the prisoner can be enabled to obtain proper information respecting the residence of the party so as to inquire about him, unless the township is mentioned. For these reasons I submit, that this witness has not been so described in the copy of the panel given to the prisoner, as will authorize the prosecutor to examine him.

Mr. *Denman*.—My lord, I apprehend this objection is well founded; this person is not described as living in the township of Heage, to which Buckland Hollow belongs, but in ge-

neral terms as living in a very large parish, and that parish it appears comprehends many townships, of which one is the township of Duffield, being the name of the parish. I do not know whether I can put this better than by illustrating it by a supposed case from the place where my learned friend Mr. Cross resides, from the town of Manchester, which is not, I believe, a parish of itself, but a township belonging to the parish of Salford. Now, suppose that any person was to be described as dwelling in James-street, or any street in the parish of Salford, I would submit to your lordship whether that could be considered as a proper description within this act of parliament.

I apprehend it is of the highest importance that this provision of the statute be strictly and punctually enforced in every instance; and if your lordships should see that by the rule laid down in any particular instance there be a possibility of introducing a relaxation of this particular provision, I am sure that your lordships would feel bound to reject a rule which might lead to such general consequences. Now, my lords, the question is, whether the party here has a fair opportunity of knowing where the person so described resides; he knows John Dexter of the township of Heage, but he knows no John Dexter of the township of Duffield, and I do not know why those persons were to be considered as cognizant that the township of Heage is part of the parish of Duffield, it appears to me the description of the lone house should be first adopted, and that if any municipal division should be inserted that should be the smallest, the least general and the most special the circumstances of the case will admit. If a man resided in the town of Derby, I should doubt whether it would be sufficient to say so; I should think that the parish also ought to be inserted, for a prisoner ought to have the opportunity of knowing who are the parties to come against him, and of knowing by what witnesses he might be able to contradict him as to facts he might be likely to prove, or the character of the man who was to come as a witness; it appears to me, with great deference to your lordships, that this principle as to description cannot be disputed, and that if it is likely to lead to such consequences as I have stated, your lordships will not establish a rule which may become a bad precedent hereafter.

Lord Chief Baron *Richards*.—Mr. Attorney General, you need not give yourself any trouble; the Court do not feel the least doubt upon the subject. The witness is described as of Buckland Hollow, in the parish of Duffield; and he swears that he is of Buckland Hollow, in the parish of Duffield; how can he be described more particularly?

Mr. Justice *Abbott*.—Certainly every witness must be described, so as to be found; and the question is, whether this is not a sufficient description. Buckland Hollow, I apprehend, according to the testimony of the witness, to

be a place very well known; I do not know that its being represented to be in the parish of Duffield, and in the township of Heage too, would have enabled persons to find it the better.

Mr. Justice *Holroyd*.—It is evident that Buckland Hollow was a good description, and sufficient to be known by the person for whose information the statute directs the notice to be given; the only object of requiring the description of the party to be given is, that the prisoner, or those acting for him, may know where to find him.

Mr. Justice *Dallas*.—It appears to me, not having the least doubt upon the subject, casting my eye upon the notices, that they are all in this way; if this be bad, all are bad; I do not find township in any one.

Mr. *Denman*.—I beg your lordship's pardon; if your lordship looks at the next; "Samuel Daykin, of Wood Linkin, in the township of Codnor," *non constat* that there is a township in other cases.

Mr. Justice *Dallas*.—You may find a single instance; but I have not the least doubt upon the point; I pointed out that perhaps unnecessarily.

Mr. *Richardson* (to Dexter.) You stated that you were disturbed about twelve at night, by a great noise in the yard?—Yes.

Were you in bed?—Yes; the first word I heard was, "come Dexter get up, we must take you along with us." I got up and went to the window.

What did you hear or see then?—The first word I heard was, "come down and open the door, we must have you along with us;" they said that again.

From the window could you see any persons in the yard?—Yes, they stood just before the door, as it might be here, as I was looking out of the window.

Did you go down?—I told them that I should not open the door; some one made answer, telling me, that if I would not come down and open the door, they had shot Hepworth's man, and they would also shoot me. I told them that they might shoot on, for I should not come down and open the door; they answered again, telling me, that I had better come down and open the door, or else, if I would not come down, they would break the door open.

Did you still refuse to open it?—I did; and immediately two men began to break open the door.

What did you do?—The instant I saw two men go to break open the door, I went to call the young man out of the garret.

Did they succeed in breaking open the door?—Whilst I was upon the garret stairs, the door smashed open.

Was the door forced on the outside?—Yes; I heard a louder knock than I had heard before, and the door broke open with it.

Did any persons come in, upon the door being forced open?—There was I suppose, as many as half a score entered the house.

Were they armed?—They then called to me, to ask me whether I would come down stairs; I told them I hoped they would give me time to dress me; I came down part dressed, and found that part of those that came into the house were armed.

With what were they armed?—Spikes and spears, and guns and pistols.

Were you forced to join them?—I asked them to let me remain; they told me that positively I must go, and therefore I had better get myself dressed; I went up to dress myself, and when I came down again, they were charging the gun which was taken off the top of the house.

Which was taken from your master's house?—Yes, our gun.

Were you compelled to join them?—Yes.

Were any other persons taken with you from the house?—Yes, two men.

What were their names?—William Wheatcroft and Samuel Levers; I had only resided in the house that night.

Fellow servants of your's?—The one a blacksmith, the other a fellow servant.

They were compelled to join?—Yes, they were.

What was said to you before you left the house?—We asked them what their intention was, and why were they acting in that manner; they said that they were going to ease the nation of that burthen it had so long groaned under.

Mr. Justice *Abbott*.—Do you know who said that?—Both Manchester Turner and the Captain.

Mr. *Richardson*.—Do you mean Brandreth, by the captain?—Yes.

From Mr. Wheatcroft's house, you proceeded to Pentridge-lane with the party?—Yes.

Were you joined there by another party?—Yes, that remained at the lane-end.

Were they drawn up in any way?—They put us in ranks when we joined.

Who put you in ranks?—The Captain and Manchester Turner were the two active men.

Do you know Isaac Ludlam, the prisoner?—Yes.

Was he there?—Yes.

Where was it you first saw him?—At Pentridge-lane-end, when they had formed us.

When the two parties joined?—Yes.

You were then formed by the Captain and Manchester Turner in ranks?—Yes, three deep.

Did the prisoner say anything to you there?—Yes, he did; that it would be better for us to go.

Has he any sons?—Yes, he told us there were two of his sons of the party.

Did he say where they were going to.

Mr. Justice *Abbott*.—What did he say?

Mr. Richardson.—What did he say?—He told me that they were going to Nottingham, and that there was a parliament chose ready when they got there; and that the party in Nottingham would break into the houses and take away the soldiers arms, and that Nottingham would be all taken by such time as we got there.

Did he say anything more?—Yes, he said respecting us all going, that we had better all go, for that those that remained behind, there would be a party come out of the north that would take or sweep all before them.

Anything more?—As we were going along, it was talked of in the party, that if Mr. Jessop did not surrender or give up his men, they would take away his life; who it was that said that I do not know,

Was the prisoner near at the time that was said?—Yes.

Was he near enough to hear that?—Yes.

Was anything further said about the nature of the insurrection?—I do not recollect anything in particular.

Did not you during the time of your proceeding forwards?—I did not go much further.

Whereabout was the prisoner Isaac Ludlam when the party marched on?—He was in the rear.

How was he armed?—With a spike or a spear, which it was I cannot say.

Was it a thing like one of these?—Yes, it was.

He marched in the rear?—Yes; and the right hand man of three the greater part of the time; the rear-guard.

Forming the rear-guard?—They went abreast three in the rear guard.

There was a rear-guard of three, of which he formed the right hand man?—Yes.

Was he close to the ranks or a little way behind them?—A little distance when they halted a little; he marched up to them: he was a little way behind them.

Did you endeavour to get away?—Yes.

Where was it?—In Pentridge-lane; I turned behind once when they were going forwards and stopped behind, and he said, "come, we must have you forward, you must come along with us."

Who was he?—The prisoner, Isaac Ludlam. He was the man who said so, was he?—Yes.

Did you make any further attempt to get away?—I tried two or three different times, and found it impossible to make my escape in the rear; and when we had got into Pentridge, I went forward and said, "come come, it will not do to stay here all night, what are they about so long; and I went down a yard as if I was going to call a person, and made my escape down the yard.

I think you stated that you attempted two or three times to get away in the rear, but found it impossible; what was it rendered that impossible?—It was Isaac Ludlam, and

the two men that were with him that prevented me.

When you say Isaac Ludlam, do you mean the elder or the younger?—The elder.

The prisoner at the bar?—Yes, the prisoner at the bar.

John Dexter cross-examined by Mr. Denman.

Who were those two men?—I cannot say.

You have been in the volunteers I should think?—In the local.

How far were you from the rear?—I walked in the rear.

What was it he said, "come, you must come along with us"?—Yes.

Manchester Turner and the Captain were the two who talked in the way you have mentioned?—The principal men in putting them in rank.

They appeared you say to be the most active men?—Yes.

You say, I think, that some one said it was talked that if Jessop did not give up his men so and so?—Yes.

That was the expression?—Yes.

Mr. Sergeant Vaughan.—He did not say, "some said it was talked."

Mr. Denman.—He says so now.

Mr. Justice Abbott.—I have it, that it was talked by some one in the party.

Witness.—There was some one in the party said, that if Jessop did not give up his men he would be murdered.

Mr. Denman.—who was that?—I cannot say.

Where was he?—The one close by my side.

When you were marching?—No; when we were halted.

You were all about as you pleased there?—We were talking one with another, and with Isaac Ludlam, and with the serjeant.

Who was the serjeant?—Manchester Turner was called the serjeant there.

John Dexter re-examined by Mr. Richardson.

At the time of this observation, was the prisoner near?—Yes.

Was it made in his presence and hearing?—Yes.

William Booth sworn.—Examined by Mr. J. Balguy.

Did you live at Pentridge-lane-end on the 9th of June last?—Yes.

Do you remember being disturbed at any time on that night?—Yes.

At what time?—Between twelve and one o'clock.

What were you disturbed by?—By a parcel of men.

What did they do to disturb you?—They were knocking very loud at the door.

In consequence of that did you get out of bed and go to the window?—They called "halloo," and I got up and went to the window.

Did you open the window?—Yes, I opened the window and asked them what they wanted.

What answer did they make to you?—They said, “I want you and your gun.”

What answer did you make?—I said, “I have no gun;” they said, “then I must have you; come down stairs and open the door, or else I will shoot you.”

Was this all said by one man, or were there many voices?—I believe it was all said by one man.

Did you go down stairs?—I said, “I cannot go, I am ballotted for the militia, and I must attend at Derby to day.”

This was before you came down stairs?—Yes.

What answer was made to that?—They said, “come down stairs, and open the door, we will protect you from the militia; or else I will shoot you.”

Did you then go down stairs?—Yes, I went down stairs and unbolted the door.

What happened upon your unbolting the door?—Part of the door fell into the passage.

What was the occasion of that?—The occasion of that was the violence the men had used at the door.

The violence which had been used before you came down stairs?—Yes.

Upon the door being opened, whom did you see?—I saw a number of men rush in at the door.

How many?—Six or eight.

Armed or unarmed?—Some were armed with guns.

Were the others armed with any thing?—Some that stood at the door were armed with spikes.

Were all that came into the house armed?—I will not say whether all were or not.

The spikes were weapons like those on the table?—Yes, they were.

What passed when those persons came into the house?—The captain of the company asked me where my clothes were I took up stairs.

Who was the captain?—A man that they called Jerry.

You were not dressed at that time?—No, I was not.

What did he say?—“Go and put them on immediately;” I went up stairs immediately to put my clothes on; they lit a candle, and followed me up.

How many of them followed you?—Four or five.

Do you know who they were?—Yes, one was the Captain, and William Turner: they were all that I knew; those two were all that followed me, as I knew.

What passed when you got up stairs?—They asked me what I had been doing, as I was not dressed; I told them I had made what haste I could; “Make haste,” he said, “or else I will shoot you.”

You got dressed?—Whilst I was dressing me, I did not get on fast enough for them; VOL. XXXH.

and they said, “make haste; you seem to wish us to shoot you;” and I said, “I had rather you would not.” Then I only stopped to put either my waistcoat or my breeches on; they drove me down before them into the house; I went and set me down on the squat, and offered to put my boots on, and to lace them; and the Captain said, “If you offer to stop to lace your boots, I will shoot you.”

Did they at last force you out?—Yes, I was forced out of the house before them.

Did they put any thing into your hand?—No; when I was going out of the house, there was some man called me by my surname, and said, “Have not you a gun;” and I said, “No, I have not, nor never had since I was here.”

Upon your saying that you had no gun, what did they say?—They said I must take a fork; I said I could not find any fork: and they drove me out of the yard, and took me to a man along the ranks who had a gun, and told him to take care of that man as a prisoner.

Did you march on with them from that place?—Yes.

Where did you go to?—We went to Pentridge way, and went to Mr. Storer’s.

I will not ask you what passed there; do you remember a gun being fired any where?—Yes, for a signal to alarm them at Butterley.

Where was it fired?—Against the meeting-house, near to a close belonging to Andrew Moore.

Do you know Mr. William Booth?—Yes.

Where does he live?—Near the top of Pentridge.

Do you remember his poney being brought out?—Yes.

What was done with the poney?—George Weightman brought the poney out of the yard, and went back to Mr. Booth’s barn; the Captain told him to take that poney and ride to Nottingham forest, and see how they were coming on, and to come back to Langley-mill and bring them tidings.

Having got Mr. Booth’s poney, do you remember marching forwards to Butterley?—Yes.

To the works at Butterley?—Yes.

In what order did you march to Butterley?—We marched two deep to Butterley.

Do you know the prisoner Isaac Ludlam?—Yes, I dare say I should know him.

Look at him?—Yes, I saw that man there.

Where did you first see him?—I saw him before we got to Butterley.

What had he?—He had a spike.

In what situation was he?—He was fixed in the rear to keep the men up, so that they could not get away.

With the prisoner in the rear keeping the men up, you marched to Butterley?—Yes.

What passed when you were at the works at Butterley?—The Captain in front of the men marched up to the Butterley gates, and rapped at the door.

I will not ask you particularly what passed

there; from thence where did you go?—We went up into the turnpike road, and then along the turnpike road to Ripley, over the Coke hearth.

From Ripley did you go to Codnor?—Yes.

Did the prisoner march with you from Butterley to Codnor?—Yes, I saw him several times.

Was he always in the same position when you saw him?—Yes.

What was that?—Keeping guard in the rear.

Where did you go to at Codnor?—We called at a house they called the Glass-house.

A public-house?—Yes.

Did you all go into the public-house?—No; the prisoner said to the captain, "There must somebody stop on the outside, to take care that the men did not get away; for that a great many of them would go away, if there was not some person to take care of them on the outside."

Who remained on the outside?—Isaac Ludlam.

The prisoner?—Yes.

You mean the outside of the Glass-house public-house?—Yes.

Had he a spike at that time?—He had a gun delivered to him during the time he stopped there; I saw him have a gun at the time I came out of the Glass-house.

What had he when he went in?—He had a spike when I went in.

When you came out he had a gun?—Yes.

Was he the only person who remained outside?—No, I think I saw his son likewise.

Was the son armed as well as the father?—I cannot say whether he had any arms with him when he was by the side of the party or not. I saw him through the window during part of the time.

Was it raining while you were in the public-house?—Yes, it rained very hard.

From the public-house at Codnor where did you go to?—We marched on the road for Langley-mill.

Is that in the way to Nottingham?—Yes.

Did the prisoner march along with you?—Yes, I saw him several times in his old situation.

Between the Glass-house and Langley-mill?—Yes.

What do you mean by his old situation?—Still continuing in the rear.

Did you go further than Langley-mill?—Yes.

How far did you go?—I went beyond Eastwood, a little way.

What became of you then?—I got away about half a mile beyond Eastwood, and turned back.

Did you see the prisoner all the way to Eastwood?—I saw the prisoner beyond Eastwood; when I was turning, the prisoner was going forwards.

Do you mean with the party?—No; he was behind the party then.

How far behind the party?—The party was got out of sight, over the hill, the greatest part of them.

Hugh Booth sworn.—Examined by Mr. Solicitor General.

I believe you live at Pentridge-lane-end?—Yes.

You are the son of Samuel Booth?—Yes, I am.

Do you remember being disturbed on Monday night, the 9th of June last?—Yes.

About what hour?—Between twelve and one.

What was it that disturbed you?—A party of men came to the door.

What did they do at the door?—They came and knocked at the door two or three times.

What did they say?—They called out for me.

What did they call out?—They called out "I want you; I want Hugh Booth."

Was any answer given to that?—Yes; my father got up and wished them to go without me.

What did they say upon his wishing them to go without you?—They said they would not go without me; that if my father would not get up and open the door, they would break down the door and shoot him.

Did they say anything else?—I got up and went down to the door, as they wished me to go with them.

Mr. Justice Abbott.—In what way did they express their wish, that you should go with them?—There was a man offered me a spike, to go with them in the ranks.

Mr. Solicitor General.—What did they say when you came to the door?—They said they were going to Nottingham.

Mr. Justice Abbott.—Do you know who it was that said they were going to Nottingham?—Isaac Ludlam.

Mr. Solicitor General.—The prisoner?—Yes.

He was at the door?—No, he was a little way off the door.

Mr. Justice Abbott.—By Isaac Ludlam, do you mean Isaac Ludlam the elder, or the younger?—The elder; that man who is there.

Mr. Solicitor General.—Was it mentioned where they had been?—They came from Mr. Fletcher's to our house.

You say they threatened to shoot you, was anything else said?—I did not hear anything else.

You say they gave you a spike?—They wanted me to have one, but I would not take it.

Who wanted you to have a spike?—Miles Bacon.

What did they do to you?—They wished me to go into the ranks.

Who ordered you to go into the ranks?—Isaac Ludlam.

The prisoner?—Yes.

Were you forced to go into the ranks?—Yes, at Pentridge-lane-end.

Where did you go to from Pentridge-lane-end?—I went as far as Butterley; I went up Pentridge from there.

Upon your coming to Pentridge, did you stop?—Yes.

The whole body halted?—Yes.

Do you remember, at that time, the prisoner saying anything to you?—Yes.

What was it he said?—I asked him where we were going, and he said "it is brought to a head at last, we are going to Nottingham."

After this, did you go on to Pentridge?—Yes.

Do you know a person of the name of John Bright?—Yes.

Did you go to his house?—Yes.

That is in Pentridge?—Yes.

You say you stopped at John Bright's?—Yes.

Whilst you were stopping at John Bright's, had you any conversation with Ludlam?—Yes.

By Ludlam, do you mean the prisoner?—Yes.

What passed between you and him, when you were at John Bright's?—I asked him again where we were going.

What did he then say?—He said we were going to Nottingham; he said there was a parliament formed at Nottingham, and we were going to guard them.

Anything more?—He said "the business will all be done before we get there."

Had you any conversation there with any others of the party?—There was a young man with a blue coat and blue trowsers.

Had he any arms?—Yes, a sword.

Do you know his name?—I have heard since that his name is Manchester Turner.

Did you observe anything else about his person?—No; I did not see anything particular.

He was of the party, however?—Yes, he was.

What part was he taking?—They called him serjeant.

What induces you now to say, you believe him to be Manchester Turner?—By his blue dress.

Have you seen him since?—No.

There was a person of this description whom they called serjeant, with a sword?—Yes.

Had you any conversation with him?—I did not ask him any question.

Did you hear him say anything?—Yes.

What did you hear him say?—He said they were going to Nottingham, to unload the burthen that England had so long borne.

Where did you hear him say that?—Against John Bright's.

Whilst you were at John Bright's, besides this conversation, was anything done there?—I saw John Bright bring a fork out.

Was anything else done whilst you halted there?—I did not see anything else.

Was any gun fired?—There was a gun fired before we got to John Bright's house, just before.

Did you know why the gun was fired?—No.

From Pentridge, where did you march to?—Towards Butterley.

Had the prisoner any arms?—Yes.

What had he?—A large staff, with a spike at the end of it.

Such a one as this?—Yes.

Whereabout did old Ludlam walk?—He was walking in the rear.

In your way to Butterley did you observe him doing anything?—He was forward in pushing the men along.

You went on in this way to Butterley?—Yes.

When you came to Butterley, were you of the party that went round by the works?—Yes, went round to Butterley.

Were you halted at Butterley?—Yes.

Do you remember seeing Mr. Goodwin?—Yes.

Do you remember anything being said by Mr. Goodwin?—Yes.

Who was the leader of the party?—William Turner and a man called the Nottingham captain.

Did you hear either William Turner or the Nottingham captain say anything to Mr. Goodwin?—Yes.

Which of them?—The Nottingham captain.

Mr. Justice Abbott.—Is it necessary to repeat this?

Mr. Solicitor General.—Only as introductory to another fact, my lord; I will take it short. What did he say?—Mr. Goodwin asked him what he wanted, and he said we want your men.

Mr. Goodwin made some answer to that?—Yes, he told him they would not have any.

What became of you?—I went into Mr. Goodwin's-office.

How did you get into Mr. Goodwin's-office?—I saw the door open while the party halted, and I walked in.

You made your escape from them?—Yes.

And did not join them again?—No.

Hugh Booth cross-examined by
Mr. Denman.

Did you carry any arms?—No.

None the whole way?—No.

The captain and Turner were the active people?—Yes.

It was at the works that the captain came and made that demand of Mr. Goodwin?—Yes.

Was that the first you heard of the Captain?—No.

You heard of him long before that?—Yes.

How did he walk, in front of the whole, or how?—Sometimes in front, and sometimes in other places.

As you had no arms, were you in the ranks?—Yes.

Were you near the front?—I was near the rear.

Who was your right-hand or left hand-man?—James Turner.

Mr. Justice *Abbott*.—Right-hand or left-hand?—Sometimes right, sometimes left.

He was against you?—Yes, my lord.

Mr. *George Goodwin* sworn.—Examined by Mr. Sergeant *Vaughan*.

I believe you were managing clerk of Messrs. Jessop's Iron-works at Butterley?—Yes.

On the 8th or 9th of June special constables were sworn in at those works?—They were.

Mr. Justice *Abbott*.—On the 7th was not it?—On the 7th.

Mr. Sergeant *Vaughan*.—On the evening of the 9th did you make any observations or see anything?—Yes; during the course of the 9th, at the time we were on duty with the constables, we heard guns fired.

At what time of the night might it be?—I think the first I heard was about twelve o'clock, or a little before.

How long did that continue?—The guns, till day-light I think; I heard three or four guns and horns blowing.

At what time did you dismiss your constables, supposing things to be more quiet?—The greater part a little before three o'clock in the morning of the Tuesday.

After you had dismissed your men, did you observe anybody in particular coming by your premises?—Yes; Mr. Jessop and myself came down with a party of men, those that were armed with pikes, to the office; it was then a little after three o'clock, perhaps a quarter; we observed first a man riding past on horseback, *George Weightman* riding very quick past.

Did you know *George Weightman*?—Yes.

Did you speak to him?—I did; I called to him to stop.

Did he stop?—No, he did not; he merely looked and went on.

How soon after that did you observe any other person?—Almost immediately; in a very few minutes.

What number of persons?—About one hundred,

In what state? how were they moving?—They were marching on the road from *Pen-tridge* in regular military order.

Do you mean in rank?—Yes, two abreast.

Had they any arms or weapons with them?—They were armed, the greater part with guns, that is, some with guns, many with spears and pikes, and a few that had no arms.

Did they stop at your works as they approached them?—They did; they marched up to the door of the Iron-works, and there stopped and halted.

Upon their halting did you speak to any of them?—I did; I spoke to the Captain at the head of them, and asked him what he wanted, what was his object there.

Whom do you mean by the Captain?—*Brandreth*.

What answer did you receive from him?—"We want your men." I told him they should not have any of them; that they were too many already, excepting they were going for a better purpose.

Did you recognize amongst them any persons whom you knew?—I did.

Mention the name or names of any you recognized?—*Isaac Ludlam* the elder.

The prisoner at the bar?—Yes.

What was he doing? how was he placed with reference to the men?—He was in the front rank as it was then, what would have been the rear when they were marching.

In what part of it?—Near the right flank near the office.

Upon seeing him, did you say anything to him?—I did; I said, "good God, *Isaac*, what are you doing here, upon such an errand as this?" I urged him to leave them.

What did you say?—I told him he had got a halter about his neck, and he would be hanged if he did not leave them; "go home," I said.

Upon your saying that, did he make any reply, or did you do anything to him?—I took him by the shoulders and turned him with his face towards the office, and pushed him.

For what purpose?—That he might make his escape into the office.

Would he have had an opportunity of getting into the office, if he had had a desire of so doing?—Certainly, for I was beside him in the ranks; he had the same opportunity as I had.

Did he make any observation to you upon your saying that?—Yes, he said "I cannot go back, I am as bad as I can be; I must go on."

Was that all that passed between you two?—Yes, most of it.

Had you any conversation with any other person there?—Yes; with *James Taylor*; I spoke nearly to the same effect to him.

Did anybody go into the office?—Three.

Three of them escaped from the ranks?—

Three of them, during the time *Ludlam* and I were talking, escaped into the office.

Do you remember a man of the name of *Booth*?—Yes; he was one of them, and there were two others.

After they had escaped into the office, what became of the Captain and the rest of the men?—After looking at each other for a short time, he gave the men the word "march," and took them away.

Brandreth did?—Yes.

Which way did they march upon moving?—They marched on the road to *Ripley* from *Butterley*, which is in fact the road towards *Nottingham*.

Is that the road to *Codnor*?—It is.

After this party had left you, did you, soon afterwards, see anybody else?—Another party came shortly afterwards.

Did Ludlam go with them, or did he remain?—Ludlam went off with the first party; when Brandreth gave the word, he marched off with the rest.

Mr. Justice *Abbott*.—By Ludlam, do you mean the prisoner?—Yes.

Mr. Sergeant *Vaughan*.—How soon after they had marched did you observe anybody else?—In about a quarter of an hour, I observed another party coming into Pentridge.

Did you observe anybody on horseback?—That was a little distance of time after the second body; in about half an hour after, or less, I observed William Weightman coming past on horseback.

In what direction was William Weightman going?—In the direction of Nottingham.

The same direction the others had taken?—Not exactly the same direction, but a nearer road.

Had you any conversation with him?—I had.

Without going into the conversation, had he anything with him, and did you take anything from him?—I took this bag of bullets from him [producing it.]

How was he carrying them?—He had them upon his horse; he had on a blue smock frock, and the smock frock in part covered the bag.

Do you know what quantity there are?—About eighty-four pounds.

Mr. Justice *Abbott*.—How many charges?—I fancy there may be from 1500 to 2000.

Mr. Sergeant *Vaughan*.—Are they all the same bore, or suited to different bores?—There are a great variety of sizes suited to different bores.

Is there anything else besides bullets in the bag?—There are some moulds for cartridges.

Do you mean something of that sort?—Yes, those were in the bag.

Was there any cartridge paper?—There was paper in the bag.

Was that paper fit for those purposes?—Yes, fit for the purpose, though not the best.

Were those bullets given up to you, or were they taken by you by force?—They were taken; he resisted till he found it was of no use, I think the man with the bullets passed about four o'clock.

Mr. *George Goodwin* cross-examined by
Mr. *Cross*.

You were very much surprised at seeing the prisoner at the bar amongst them?—I certainly was surprised at seeing him.

A man, perhaps, whom you had known and respected?—A man whom I had known for several years.

And a man whom you wished well to, no doubt?—Certainly.

He appeared in great agitation, I think, from your description?—Yes, he was a good deal agitated when I spoke to him.

I dare say you thought he did not know well

what he was about?—No, in fact I did not think about it.

You had no clear idea yourself what they were about, had you?—Yes, certainly.

You met with no resistance from the account you give?—No, not from him, or any of them.

Nor any attempt of violence to you?—When I spoke to Taylor he made an attempt to cock his piece.

But as to these hundred warriors, you set them at defiance?—Yes.

Unarmed as you were?—I was armed; I had a brace of pistols in my pocket,

But they could not see them?—No, they could not of course.

Did you tell the prisoner that if he quitted the ranks, you were able to protect him from any violence of his captain or the others?—I did not tell him that; but I conceived his life would have been in as little danger as my own: having offered him protection, I should have afforded it at the hazard of my own.

How could he know his life was safe, when his captain had shot another man?—I cannot answer that.

Though confident of your own safety, you cannot undertake to say that he considered himself safe?—I did not consider myself confident of safety. I considered myself in danger; but I considered it his duty to face the danger the same as myself; being in the situation I was, I felt it my duty.

That is your argument upon the subject; it may or may not be correct. Without attempting any violence, they all marched away?—Certainly; they did not attempt any violence there: I have described pretty accurately every circumstance which did pass.

Mr. *George Goodwin* re-examined by
Mr. Sergeant *Vaughan*.

You have been asked, whether you had any idea of what they were about; how many special constables had you sworn in on the Saturday before?—About one hundred and fifteen or one hundred and sixteen.

In expectation of what?—In expectation of an insurrection, certainly.

Had you made any preparations at the office?

—Yes, on the Monday afternoon we got thirteen pikes made to arm the men.

You thought it necessary to make some arrangements to defend the works?—Yes.

Mr. Justice *Abbott*.—You have the fact; I think you need not go into the reasons.

Mr. *Cross*.—You had thought proper to manufacture some pikes for the defence of yourselves and your property?—Yes.

And had a stock of pikes upon your premises?—We had thirteen pikes made on the afternoon before the insurrection, with which the constables were armed.

Mr. Sergeant *Vaughan*.—Were they made for the constables?—Yes.

Mr. *John Storer* sworn.—Examined by
Mr. *Clarke*.

You are a farmer at Pentridge, I believe?—Yes.

On Monday the 9th of June last, were you disturbed after you had gone to bed?—Yes.

At what hour was it?—About one o'clock, I think.

What was it that disturbed you?—A body of armed men.

In what way did they disturb you?—They presented guns at the windows, and threatened to shoot me.

Did you go to the windows?—Yes, on the first of my hearing them, on the first alarm.

And you saw the guns presented at you?—Yes.

Was anything said to you, or did you say anything to them first?—"Damn your eyes come and go with us, or we will shoot you."

That was addressed to you from those armed men?—Yes.

Did you observe at that time what number there might be?—Twelve or fifteen.

Did you say anything to that, when they said, "damn your eyes, come and go with us, or we will shoot you?"—Yes; I asked them if there was no excuse; they said not.

Could you distinguish who any of the men were at that time?—I could distinguish one; one was William Turner.

Was he armed?—Yes, he had a gun.

Did they inquire for anything else besides you?—They said there was me and two or three more in the house, and me and a gun they were determined should go with them, and they would shoot me and all in the house if I would not go; that the captain had just shot Hepworth's man: thinking I must be shot if I did not go, I told them if they would give me a little time I would go.

What did you do then?—I began to dress myself.

Whilst you were dressing yourself, did they say anything to you?—They told me that if I did not make haste they would make me as I could not go.

Did you see who it was that said that?—No, they were outside the house, and I cannot say.

Did you finish dressing yourself?—Yes.

What did you do?—I took an old gun and went to them.

Did you go out of your house?—Yes.

What was said to you when you went out with your gun?—They asked me if it was loaded; I told them not.

Did they ask you anything else?—They asked me whether I had got any shot and powder, I told them a little shot; they said it did not mean, they should have powder and ball sufficient.

What was said or done after this conversation?—We went through the yard to a gate leading into the lane.

What was said then?—I told them I was not fit to go, I had been very unwell the day before.

What was said to that?—I told them I could not carry the gun any further: they said it

must go by the baggage. I asked them where the baggage was; they said they had not any, but they should have; they then waited in the lane—

Did they say nothing after that, how they were to have baggage?—No, they did not.

Did they give any reason why they should have baggage?—They did not say.

You went into the lane?—Yes.

Did you make any inquiries of them where they were going to?—They said they were going to Nottingham; that it was a general rising; that twenty-five or thirty thousand were coming from Sheffield; that there would be several hundred thousands assemble that day; that liberty would be gained, and an end of slavery.

Can you tell who said this?—I do not know; it was a person in the midst of them.

Was anything said as to what would be done to those who did not go to Nottingham?—They said that they must all go or be shot.

You say you got into the lane; when you got to the lane did you observe any more persons?—No.

What did you observe?—They stopped in the lane, waiting for the captain.

Do you know the prisoner, Isaac Ludlam?—I did not see him at that time.

They told you, when you got into the lane, they were waiting for the captain?—Yes; and a body of men down the lane-end.

Whilst you were in the lane, did the captain and a body of men come up?—Yes, they came up in about twenty minutes.

How many do you think there were?—I thought them about a hundred.

Had they any arms with them?—Yes.

What sort of arms?—Guns and pistols.

Of the same sort as those upon the table?—Yes.

Were they such instruments as these?—Similar to them.

When that body came up, did you see anything of the prisoner?—Yes, I then saw him.

Had he any arms?—He carried a very long pike.

When the captain and the body of men came up, what was done?—The captain ordered the men to fall in three deep.

Was any direction given how they were to fall in?—Those with guns were ordered to fall in in the front.

How were the others?—The pikes behind.

Was there anything said about any other persons besides those with the pikes and the guns?—Yes; the captain and the principal men held a consultation.

Who were those principal men, do you recollect?—William Turner, and a young man that appeared to have but one eye.

Was that the man they called Manchester Turner?—Yes; they called him lieutenant.

They consulted together?—Yes.

What was said when they had consulted together?—The captain then asked whether there were any men that could do their exercise, if

they could they must fall out and be made non-commissioned officers of.

What was done then? did any of them fall out?—Yes, some did fall out.

Were any serjeants or any non-commissioned officers appointed?—Yes, I believe some were appointed, but I was rather too far off to know.

Having done this, what was done next?—There was an advance-guard appointed and a rear-guard.

Do you happen to know who was appointed to command the advanced-guard?—I do not know.

Do you happen to know who was to command the rear-guard?—Yes, Isaac Ludlam.

The prisoner at the bar?—Yes.

Was anything done after this arrangement was made?—The captain ordered them to march.

Where did they proceed to?—They marched towards Pentridge.

What did they do when they marched through Pentridge?

Mr. Justice Abbott.—Towards Pentridge, I understood him.

Mr. Clarke.—What was the next thing as you marched towards Pentridge?—They stopped to break open houses, and bring men and guns out.

Did you get on to Pentridge?—Yes, we got to Pentridge.

What happened to you there?—I then feigned myself ill; I wished to get from them.

In consequence of that what was done with you?—They said they would all do in that way.

Mr. Justice Abbott.—Who said that?—A man in the midst of them; I did not know his name, and somebody said, "shoot him."

Mr. Clarke.—Did you know who that was?—No, I did not; the captain appointed two men to take hold of me, one by each arm.

What did they do with you?—They led me in the midst of the men up Pentridge.

How long did you continue to go in that manner, led by the two men? how far did you go?—Till we got to Mr. Booth's house.

Mr. Justice Abbott.—What is Mr. Booth's christian name?—William Booth.

Mr. Clarke.—What was done when you got there?—They got Mr. Booth's pony out, and saddled and bridled it.

What did they do with you?—They set me on the pony.

What happened when you were put upon the pony?—I was not willing to go with them, and I fell off.

After you had fallen off, what became of you?—The captain ordered them to face to the right, and march, and they left me.

You saw no more of them?—No, I did not.

Mr. John Storer cross-examined by
Mr. Denman.

Did you see the prisoner about the time

that you yourself got away?—I saw him frequently.

Just before you got away?—I cannot particularly speak to that.

Some of them ill used you at the top of the town I understand?—No, they did not particularly ill use me; they threatened to shoot me.

Did you see the prisoner about that time?—I cannot recollect that I did.

Did you see him about the time they were ill using you?—I have no doubt he was very near; I saw him in Pentridge.

Do you recollect his interfering and begging the captain to let you go?—By no means.

The captain was using the violent language you describe?—Yes.

From first to last?—He did not use it all; there were others used it besides him.

I ask whether he was not during the whole time using that kind of language towards you?—Yes, he frequently did.

Did any of them interpose to have you set at liberty?—I do not know that they did.

Do not you recollect any of them mentioning to the captain that you were a sick man, and not fit to go, and that it would be cruel to compel you?—No; I said to the captain he had better shoot me, and have done with me, and he says, "Damn him, leave him; we can do without one."

Was Shipman there at that time?—I did not see.

Was Hole there at that time?—I did not see him.

Was Thomas Turner near at that time?—I do not know Thomas Turner.

You have no recollection of any of those persons interfering at all in your favour?—Not in the least.

Did they go away after the captain said that?—Immediately.

The captain said when you said you were ill and wished to go off, that if you went all would do in the same way?—Yes; that was at the bottom of Pentridge before we got into the town.

Then he talked of putting a pike through you?—Some of the men did; I do not know which it was.

How far might you go with them altogether?—Not a mile; I should think about three quarters.

Who was it put you upon the pony?—George Weightman was one, and the other I did not know.

They lifted you up by the captain's command, I think you say?—I do not know that it was by the captain's command.

Did not you say that he desired it?—No, I do not know that he commanded it.

Mr. Justice Abbott.—Did you say in answer to some question put to you that you did not know Thomas Turner?—No, I did not.

William Roper sworn.—Examined by Mr. Gurney.

Where do you live?—At the stand on the race-course Nottingham Forest.

How near to the town of Nottingham?—I think about three quarters of a mile.

On the evening of Monday, the 9th of June, were you at Nottingham?—Yes.

At about what time did you return home?—About half-past eleven I think.

Was any person with you?—Yes.

Who?—William Percival.

When you got upon the Forest, did you observe any body of men?—Yes.

How many in number do you think?—I met first of all two, and after that two more, then a single one, and after that several more.

Had those persons any arms?—None at all that I saw.

Then did you come in sight of any body of men?—Yes.

Amounting to about how many?—As nearly as I can guess about a hundred.

Did any persons from amongst them approach you or follow you?—Yes.

How many?—About ten or twelve.

Did they meet you or follow you?—They followed me and Percival.

What had they in their hands?—They had poles.

Do you mean such poles as those would be?—Yes.

What did they do with those poles?—They brought them down to a charge.

To a level against you and Percival?—Yes.

Did they make any demand of you?—They asked us where we were going.

Did they afterwards permit you to pass and go on?—Yes.

After you had got into your own house, did any number of men come to your house?—Yes.

Could you say about what number?—They seemed to me to be the same men.

Did they demand anything from you?—Yes.

What did they demand?—They asked me first of all whether I had got any fire-arms in the house? I told them yes; they told me I must deliver them up to them; I told them that I would not; they said if I did not deliver them up, they should be under the necessity of breaking the door open, and taking them by force.

What reply did you make to that?—I told them that if they did that, I should blow the first man's brains out that came in, let him be who he would.

I presume after that they did not break in?—No.

How long did they remain about the house?

—This was about one o'clock when they demanded the arms, and about two they left.

Captain *Frederick Charles Philips* sworn.—

Examined by Mr. Sergeant *Copley*.

I believe you are an officer in the 15th dragoons?—I am.

Were you quartered at Nottingham barracks on the 9th of June?—Yes, I was.

Were the troops ordered into the town of Nottingham on the evening of that day?—About ten o'clock that evening they were.

Mr. Justice *Abbott*.—That is a very general question; what number were ordered in?—About two companies of infantry, a part of my troop, with a field officer.

Mr. Sergeant *Copley*.—Was that in consequence of directions you received from the magistrates?—It was.

Had you been in the town in the course of that day yourself?—I do not believe I had; I do not exactly recollect.

How long did you remain in the town with the troop?—About half an hour; hardly half an hour.

Mr. Justice *Abbott*.—I did not understand the witness to say he went in?—Yes, I went in; I commanded a part of my own troop; but there was a field officer who had the command of the whole.

At the expiration of that time did you return to the barracks?—Yes, we did.

In the course of the following morning were you alarmed at any hour?—About half past six on the following morning I was ordered out with a party of men to go with Mr. Rolleston and Mr. Mundy in pursuit of the rioters.

Mr. Mundy and Mr. Rolleston are magistrates?—Yes, they are.

Mr. Justice *Abbott*.—Both those gentlemen accompanied you?—Yes, they did.

Mr. Sergeant *Copley*.—Did either of those magistrates sleep in the barracks that night?—There was a magistrate in the barracks all night.

What road did you take?—The Pentridge road.

Did you see any armed men on the road or near the road?—About half a mile before I got to Eastwood, I saw some armed men on the road to the right, making their escape across some fields.

How were they armed?—They appeared to be armed with some pikes.

I understand you those had left the road?—Yes.

Did you send any person in pursuit of them?—I went across one field myself, and found I could not overtake them, and then I returned to the road and went on to Eastwood.

After you had passed through Eastwood, did you observe any body of men upon the road?—Yes, between Eastwood and Langley mill I observed a party of about sixty on the road.

Were they armed or unarmed?—They were armed most of them; the greater part of them were armed.

What were they doing?—At the time that I saw them, they were standing upon the road; and one man attempted to form them up in opposition to us, but they paid no attention to him, and immediately fled across the fields, some to the right and some to the left.

Did you pursue them?—Yes, we did; I ordered the dragoons to pursue, and to take as many prisoners as they could.

How many prisoners were brought in?—I think about six-and-thirty.

Were any pikes or other arms found or taken?—Yes, there were.

Found upon the men, or taken on the side of the road?—There were five or six men taken armed, some with musquets and some with pikes; the rest of the arms had been thrown away by the rioters; they were collected together and put into a cart, and taken to the Nottingham gaol.

The rest of the arms you stated to have been picked up, did they consist of pikes?—Of pikes and guns, chiefly of pikes.

Did you examine for the purpose of ascertaining whether any of the guns that were picked up were loaded?—Yes, they were.

Captain *Frederick Charles Phillips* cross-examined by Mr. *Denman*.

They fled in all directions?—Some to the right and some to the left.

In the utmost confusion?—Yes.

Eighteen men took thirty-six prisoners?—

Assisted by the constables; there were some constables that assisted in taking them.

Captain *Frederick Charles Phillips* re-examined by Mr. *Sergeant Copley*.

Did you meet the high sheriff of Derbyshire and the Chesterfield yeomanry?—Yes, after we had taken these men, we met them on the road.

Mr. *Attorney General*.—My lord, that is my case on the part of the prosecution.

Lord Chief Baron *Richards*.—We shall not go any further to night.

[Adjourned till to-morrow morning, eight o'clock.]

Thursday, 23rd October, 1817.

[*Isaac Ludlam* was set to the bar.]

DEFENCE.

Mr. *Cross*.—Gentlemen of the jury; the prisoner at the bar stands charged before you with the crime of high treason, in levying war against the king. It was stated to you in the outset by the attorney-general, that levying war was a question of law; I shall not dispute that proposition, and I trust the attorney-general will not dispute the corollary, as I may say, which results from that proposition; namely, that the question whether the prisoner at the bar has levied war against the king, is in the particular case a question of fact. Neither shall I waste any time in disputing whether in the absence of an actual levying of war against the troops of the king, a person may not be guilty of levying war against the king by levying insurrection for a general purpose: but there is a distinction between the two cases, which I trust in the consideration of the case of the prisoner at the

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bar you will never forget; if a man be taken in the fact of actual warfare against the king's troops, there is no room for inquiry into his motives; but the principle of law which my learned friend the attorney-general has stated to you, brings us to this question, whether or not there was a general definite purpose in the mind of the man who is brought before you for trial; and what I alone have objected to with regard to the law upon these subjects, is the danger of our adopting the definitions of men learned in the law for rules as inflexible as the statute law itself. If a learned writer upon the law has said that levying an insurrection for a general purpose is levying war, that is a very good guide for the judgment of courts of justice, but it is guide and direction only, and it is not to be taken to the letter as if it were statute-law; for if it were so, and there were a special clause in the statute of Edward 3rd, which we have been obliged to discuss so much, saying that he who levies insurrection for a general purpose shall be deemed to levy war, then, the words "general purpose" would still require interpretation with reference to the particular case; otherwise suppose there were a general insurrection to repel a foreign invasion, that would be an insurrection for a general purpose, and would be within the definition of the writers upon the law of England, but it would not be within the statute of levying war against the king.

I feel no anxiety on account of the prisoner at the bar in respect of any precise distinctions between fact and law, because I feel not the least jealousy of the court before which you are impanelled to try the prisoner; on the contrary, I beg leave to say, that if my life, my property, and all the interests that are dear to me were at stake upon the decision, there is no tribunal existing upon the face of the earth, or ever did, before which I would sooner trust every thing that is dear to me, than before the learned judges who sit in this place: but the reason of my anxiety is this, lest when the law is so generally stated to you it should appear that you had nothing to try but whether the prisoner at the bar was personally concerned in these transactions; that is the only reason of my anxiety for keeping awake your attention to the distinction between the questions of law and of fact.

I conceive the question with regard to the prisoner at the bar upon this occasion is substantially this, did he intend to levy war against the king for a general purpose, aye or no, but for a definite purpose; for it will not be contended I think that it would be sufficient to charge a man in an indictment that he did levy insurrection for a general purpose, and then produce evidences to state that there was a levying of war. It is incumbent upon the prosecutor in a charge of high treason like this not merely to use the words general purpose, the most indefinite of all objects, but it is incumbent upon the prosecutor to state the special general object which was proposed to be

accomplished by the prisoner at the bar, in order that the Court and jury may form some judgment whether it is such a general purpose as the law of England has in contemplation when it has deemed that a levying of war; levying insurrection must be with a general purpose in order to be deemed a levying of war.

Having taken leave to say thus much upon the matter of law in this case, I will beg leave now to call your particular attention to the evidence, which tends to fix an intention so highly culpable, as that which is imputed to the prisoner at the bar. Now let us see, first of all, how these unfortunate transactions began: it appears that to the village of South-wingfield—an obscure place, where from anything that we have heard, none but villagers in the condition of common labourers reside, and a few farmers—from the distance of about sixteen miles there came a man of a most extraordinary character and disposition, an utter stranger, for anything that appears in evidence, to the prisoner at the bar; he seated himself on noonday, on the sabbath, in a public-house, inviting the presence and attention of all the villagers of the place, to come and hear what he had to promulgate. He sat in a public room, in the house; there lay a map before him; he was called a captain, according to the evidence of the witnesses—and I shall have something to observe upon the testimony of those witnesses, but if I omit to do so, I know the prisoner will suffer nothing from my omission, for I have witnessed already the wisdom and manly eloquence with which I have the good fortune to be supported in these struggles, therefore if I should omit any observation upon the testimony of those witnesses, or any other part of the case, advantageous to the prisoner at the bar, I am sure that omission will be more than supplied by my learned friend who supports me—but I say supposing the fact to be as represented by the witnesses, that this extraordinary man presented himself at that public-house, in the situation that I have described to you, it seems (and we can only collect his representations by scraps and parcels from what was picked up from the expressions of the prisoner at the bar, and has been given in evidence against him, and what could be picked up from the expressions of others) as far as we can discover, he represented that there was coming from the north an overwhelming torrent of population and insurrection, and that the effect of it would be, to sweep every man in their train, and that he who did not go would be shot; that he who waited till the torrent arrived and came over him, would be carried away in the society of strangers, and those with whom he could neither associate nor converse. These were the representations (false indeed as they turned out, false in fact) that were held out to these unhappy people; there was no secret, gentlemen, there was no plot in the dark, with which these poor villagers had anything to do; no conspiracy which you are to find out by their overt acts;

it was a publication of the purpose; there was a proclamation by this man, inviting the villagers to come forward. None of you would have been deluded by this imposture, I dare say; but that is not the question; was it a delusion that might impose on ignorant and illiterate labourers, such as was the prisoner at the bar? that is the question. We all know that some years since, a man appeared in London, and gave out that the world was to be at an end in the course of a few days time; the well-informed part of mankind paid no credit to the prediction, but I believe a large proportion of the lower orders believed him, and made preparations for the event; nothing is so easy as to induce a great proportion of the lower orders to believe the most absurd reports, if asserted with the most audacious boldness.

While this man was seated in the public-house, it appears that various persons entered it from time to time; any person that accidentally passed the door; the two first witnesses would have you believe (and let us suppose that was the case) that they were at liberty to enter and hear all this, and were invited to hear it. If that evidence be true, then it is quite clear that many innocent men were drawn into that room, and drawn into conversation with that extraordinary man who made his appearance amongst them, when he had been there a considerable length of time; the evidence represents to you, that this poor creature was taken to the house, or went to the house, in company with the other person, who was convicted by the second verdict at this place; they went into the room; how the prisoner came to go with William Turner into that room, no evidence can explain; but let it not be presumed that there is no defence upon this trial, because there is no evidence. In a criminal case of such complexity as this, it is of more importance to observe, to weigh well, and to consider all the circumstances of the case, than to hear the testimony of witnesses. How can he prove under what circumstances he fell into the company of these persons; and under what circumstances William Turner persuaded him to go there? He has two sons, you have heard they are implicated with him in this charge, and their names are found in this indictment, their lips are sealed by that proceeding, and they cannot with any effect be adduced as witnesses on his behalf: his wife, the law will not suffer to give evidence for him. I am not meaning—God forbid I should presume—to impugn the wisdom of the law; no man is wiser than the law, and the law has so settled it, and therefore the prisoner's wife cannot be called as a witness. Why then the lips of every one nearest to him being sealed upon this occasion, what are we to do on his behalf, but to observe upon the evidence? I say then we cannot account for his going into that room, but I do with all deference submit, that we are not, in the absence of all evidence to that fact, to presume that he went there for a criminal purpose.

Then, being there, these two suspicious wit-

nesses who have led up this prosecution, tell you that a paper was produced by William Turner, containing what? that is but very indistinctly explained. I wish we had that paper here, that we might know exactly what it did contain, and exactly what it was that the prisoner read; but it has been stated that it was something like a list of all the persons in the village who possessed a gun, or any other offensive weapon; that was the paper. It would therefore, I presume, contain the name of every housekeeper whose peace was invaded by these dreadful proceedings on the 9th of June. It would represent, one would suppose, that those persons had arms, but whether it represented to the prisoner at the bar, who read that paper, that those persons were already prepared to proceed upon the expedition to which I shall by and by advert, the evidence does not say; and therefore, for anything that appears, the prisoner was drawn to that spot a perfect stranger to the transactions, and was induced to read a paper he had never seen, the contents of which he had never before heard, and the information of which tended rather to carry on and extend the delusion that was to be practised upon himself and upon the other unfortunate villagers of the place. It did then, we may take it, represent that all these persons were ready to supply their arms to the intended purpose, whatever that purpose might be. But beyond that—beyond the reading of that paper, it is not pretended that at that meeting any act was done by the prisoner, or any one thing said by him in furtherance of any common purpose.

So much for the transactions of the day that preceded the outrages, so far as they concern the prisoner. The next we hear of the prisoner, is, that he was seen with his two sons the following day going to a particular spot, where there were many others, about nine o'clock at night. Now let us consider what might be the condition of the mind of the prisoner at the bar, and his two miserable sons who were at that time in his company. It had been given out, you find, that this overwhelming insurrection was coming down from the north; that every man must go or be shot; that the effect of their going would be plenty and abundance; there was death on one hand, and food on the other. That was the representation that was made to them; that to such a height had the insurrection risen, that it was utterly irresistible; that a parliament was actually sitting at Nottingham; and that the special object for which they were to assemble was, not to make war against the king, not to fight his troops, but to guard that phantom of a parliament which this deluder from Nottingham had made them believe actually existed and sat there. Under these impressions I conceive it was that this miserable man and his two sons were deluded to enter upon this march to Nottingham.

Now it appears that among all the persons who set out, there were two classes; there were three, I may say.—There were, besides those

drawn in by delusion, the men who have been convicted, and whom, in deference to the verdicts which have been pronounced, we must take to have been guilty of the criminal intention imputed to the full extent; there was another class of persons, you find, who were dragged out of their beds, or out of their houses, or met upon the highways, and were compelled by force and threat of instant death, to join their ranks: that was a degree of compulsion utterly irresistible, to be sure; and the law excuses any man, who under such circumstances, did march among the ranks of those persons: but it is a hard case upon a man; if, for instance, one of the witnesses, I forget his name, who was walking on the highway, and who therefore had no witness of the manner or circumstances under which he was drawn into the body, had been brought before you at this bar, he must have been infallibly convicted of high treason if this evidence be sufficient; although he was forced into the ranks and a pike put into his hand against his will, yet the fact of finding him there in those ranks would be damning evidence against him; he had no witness to call, and he had no defence to make against the charge, but those observations which the law of England permits his counsel to make before the jury who try him. Let it not then be said, that the defence lies all in observation, and that here is no evidence. I submit that the observations require from you the most attentive and careful consideration.

Then, again, I say, the evidence is silent as to the pressure of circumstances that brought this man and his two sons into the ranks, except those speeches of intimidation, to which I have taken leave already to allude. Proceeding onwards, you never find any act of outrage or of hostility committed by the prisoner in person. That poor fellow Hole, who had the good fortune to escape from the ranks, into which he was pressed against his will, under the terror and menace of immediate death, tells you of the difficulty he had to make his escape; that he might have been shot dead upon the spot, and an attempt was made by their outrageous and desperate leader to carry that threat into execution; and he was prevented doing so only by the act of one who had more humanity. The prisoner at the bar had seen that desperate man carry his threats into execution; he had heard, if he had not seen, that he had laid an innocent creature dead at his feet. The prisoner knew all this, and he followed with his two sons in silence, taking no active part or lead whatever; but in the course of time, and upon that march, you find that their desperate captain ordered him into the rear with two others, to close up their ranks. It was at his peril that he obeyed; it was at the hazard of immediate death that he did perform that duty, and under these impressions it was that he did discharge something like a duty in the rear of the ranks of these unhappy beings, that were driven like a flock of sheep to slaughter at the town of Nottingham.

Under these circumstances they proceeded onwards, and they got to the works at Butterley, and there they were seen by a person of the name of Goodwin, who tells you, that he conjured the prisoner to leave their ranks, that he admonished him of the dreadful consequences that would attend his going to Nottingham with these people: well, what does he say of the prisoner? he was in a dreadful agitation of mind; he was embarrassed, and knew not what to do. Mr. Goodwin did not know of the fatal shot which had taken place; Mr. Goodwin did not know of the threats of being shot for disobedience, and this unfortunate creature was in the dilemma, either to accept the invitation of Mr. Goodwin, which he wished to have done, or to proceed; it was in the presence of the captain, for Mr. Goodwin had just spoken to the captain himself; then the prisoner must either have quitted the ranks at the hazard of being shot dead upon the spot, as he thought, or at all events if he had escaped, he would have been separated from the dearest objects of his heart, his sons, and he must have left them hostages in the hands of that dangerous and desperate leader. Sitting in cool blood here, under the protection of the law, we may form a very rational judgment what a man under these circumstances ought to do; but that was not the case; then do not consider that the prisoner had the same opportunities of judging and deciding as you have; the law was not present to protect or to encourage him; there was no magistrate present in the country, as far as appears, even on the Sunday or on the Monday, while that man was alarming the minds of the people, persuading them that they would be overwhelmed by a cloud of insurrection from the north, and utterly ruined if they did not run to Nottingham for protection; where were the ministers of the gospel, who might have removed that delusion from the minds of the people? where were the constables? where were the justices of the peace? all was dead, sleeping and inert; there was no law; there was no minister of law and justice. I am not imputing blame, but there was no one present to protect these unhappy villagers from the fatal and foolish delusion which that impostor from Nottingham had practised upon them. Well then, he did not quit the ranks; he did not forsake his children when he was accosted by Mr. Goodwin, but he went on; how far did he go on, gentlemen? a few miles; and what became of him then and of his sons? they took the advice of Mr. Goodwin; they availed themselves of the first opportunity they had, they fell away from the ranks, and they did not go to Nottingham. Now that is the history of the conduct of this unfortunate man in these unfortunate transactions.

This view of the facts brings us back to the question which I have submitted to your consideration. Is it upon this evidence proved to your satisfaction, that the prisoner at the bar had in his mind a settled purpose of deposing the king from his royal state and majesty

levying war against him, and overturning by his assistance the laws, constitution, and government of this country? If anything short of that was done by the prisoner at the bar, then he is not guilty of this charge. What was the intention of the prisoner, it will be said, if that was not it? I will tell you what I conceive was his intention; he did believe what was stated to him of this overwhelming insurrection; he was persuaded it was irresistible; he was persuaded that death would be the consequence of a refusal, and he at last lent a reluctant consent, but not to fight the king's troops; not to make war against our beloved king, but he was consenting to go as far as Nottingham, and then he knew well that he would ascertain whether there was any truth in the story, which had been stated throughout the country and if he found there was no parliament for him to guard, no overwhelming torrent from the north, he had nothing then to do but to walk home again; that was his motive, and he would not willingly lose the society of his two dear children, who were in these ranks.

Such things have occurred in this world, and they have occurred not very long ago; it is now but two years since what may be called an insurrection did happen in a neighbouring country; not pouring from the north but from the south. You may recollect, that at that period, an extraordinary and desperate man had set his foot upon the south coast of France, and there arose an insurrection so overwhelming, that the general who commanded the king's troops said, "I cannot turn the ocean with the palm of my hand, and I must swim with the tide;" he said he could not help himself: the judgment of Europe however has been formed upon his case, and all mankind seem to have agreed, that there was no doubt where the point of honour lay with that officer. But, supposing during the influx of that overwhelming torrent, one of the officers of that most enterprising leader, who had excited and raised that insurrection, had gone into a country village, and said, "here is an overwhelming torrent coming from the south, it will be here in two days; you had better all go to Lyons for safety, there is a parliament sitting there; here, take a pike in your hands, and depend upon it if you get there in time you will have money and subsistence; if you do not go you will be shot dead upon the spot." What should we in England have said, if the French government had extended the hand of justice to such miserable and deluded villagers, for such no doubt there were! The French government did not do so. The French government overlooked those helpless creatures, who were thus forced, or seduced, or intimidated into the ranks of that great rebel; but no one of them was brought to trial or to public justice for what he had done. Oh, but here! here they must! there are no other victims of treason. I do not mean (nor in all that I address to this court, and to you, do I ever mean)

to insinuate the smallest degree of blame to the public prosecutors, for bringing this matter under the consideration of a court and jury. The hurry and impetuosity of argument, of the compassion we must all feel when the life of man is at stake, will occasionally draw us into an observation, without seeing all the bearings and tendencies of what one accidentally throws out; but, gentlemen, so it is. I do not mean to say, that therefore the prosecutor has selected objects, but one feels almost a necessity, when the prime mover is out of sight, to look for him elsewhere than among these obscure villagers; some public inquiry must have taken place, we are here upon inquiry, the attorney-general has had all the ex-parte information before him, and he has felt it his duty, and so would every one, every lawyer, in that high station which he so eminently fills, to submit these matters to the consideration of a jury. There was evidence enough, no doubt, for the grand jury to present a bill of indictment against all the parties concerned in that transaction; but then, last and most important of all, comes your duty to select which was the traitor, and which was the deluded instrument of the treason; two have been already convicted; they were proved, the one to have been the leader, and the other the second in command, in this insurrection. The prisoner at the bar is now the first of those unhappy villagers upon whom these incredible delusions were practised on the Sunday, executed on the Monday, as it has been stated, and practised without the interposition, advice, persuasion, or caution, either of the law, or any of its ministers.

With these observations, I leave the life of this unhappy man in your hands; with him, it is an issue of life and death; but I say, as was said to you before on the part of the prosecution, do your duty with firmness; I have no doubt you will. Do not, however, permit yourselves to be intimidated into an apparent acquiescence in former verdicts; do not suffer yourselves to be intimidated lest your neighbours will reproach you for not punishing treason; let no such thought sway your judgments. Consider coolly, patiently, and impartially, that this poor creature who stands before you, must be deemed, till you have pronounced your verdict, as an innocent man;—that he is not guilty of this crime, unless in your consciences you are fully satisfied, that to the utmost extent of intention imputed to him, he did really go for the purpose of making war against the king. If you think, that instead of going for that purpose, he was hurried away by misrepresentation, falsehood, terror, and an overwhelming influence, then his mind was not guilty; his heart was with his children, and with his sovereign.

EVIDENCE FOR THE PRISONER.

Mr. William Eaton sworn.—Examined by Mr. Denman.

This man Isaac Ludlam, has been now in goal for several months?—Yes.

With several other persons, his neighbours and others?—Yes.

Have you had an opportunity of knowing what his general character has been, as a peaceable, harmless, and inoffensive man?—During his confinement he has so conducted himself.

Do you know what his general character has been upon those subjects?

Mr. Justice Abbott.—Did you know him before?—No, I never knew him before.

Mr. Denman.—I believe his two sons have also been in your custody?—Yes.

I beg to ask you, whether towards those sons he has conducted himself as an affectionate father?—He certainly has, as far as my observation has gone.

Mr. Denman.—Gentlemen of the jury; as my learned friends who conduct these prosecutions on the part of the crown, have thought that the public justice of the country has not yet been satisfied, and that it is necessary to bring this third prisoner as a culprit before you, it is now my duty, for the third time, to address a jury on the charge preferred, and upon the case which has been made out in evidence; and I am well assured that what has passed upon this occasion will not fail to have impressed upon your minds (if indeed they were not fully convinced before) how extremely necessary it is to distinguish, with the utmost particularity, the nature of the proof in the several cases, and the circumstances of each individual; to bear in mind that you are trying a fellow subject upon the evidence that affects himself alone; to discard all prejudice, all prepossession, from whatever source it may proceed; and to look to the case of this unfortunate man, as if no other person had been brought to answer a similar charge. If any illustration could add force to a truth so evident it might be found in the correction given by my learned friend, the attorney-general, to an hypothesis, which I before suggested; for it demonstrated that in this very transaction there were actual instances of those, who though apparently involved in all the guilt that attached on any of the parties, yet bore a heart as innocent of every crime as any of the gentlemen whom I have the honour to see before me. It may be recollected that when I imagined facts that might have occurred in the rebellion of 1745, he mentioned Elijah Hall the younger, as a person who appeared indeed with a pike in his hand, who was found in that assembled body which held the violent language stated, and was made privy to all the illegal purposes avowed, and yet incurred no guilt; because the circumstances and intentions under which he was there, excused him from the imputation. In addition to what was advanced by my learned friend Mr. Cross upon that subject, I would beg to call your particular attention to the precise facts affecting the witness Henry Tomlinson. It has been proved on every

trial that he was taken from the lone house where he resided with his wife, was dragged a considerable distance with the riotous multitude, and compelled, according to his expression, to be one of them for a time, increasing their numbers and their forces, and actually bearing the weapon of mischief in his hand, when their intentions were unequivocally proclaimed. Now, suppose that any constable, any magistrate, any officer had come up with that party, before Tomlinson had found the opportunity of retreating from it, in what situation would he have been discovered? and to what suspicions would he not have been exposed? He was in the ranks—he was with arms in his hand—he was obeying the orders of the captain and commander. If then he had been apprehended and accused—if, like this unfortunate man, he had stood before you upon the charge of high treason—how could he have established his defence? His wife, as you have been truly told, could not have appeared as a witness in his favour; no other living creature, except the persons indicted with him, could possibly possess the knowledge requisite to manifest his innocence, and though entirely blameless, he would have been overwhelmed by unanswerable proofs of the most enormous crime. Is it possible to suggest a stronger or a more convincing case? and having put it, let me ask with confidence whether I have not stated also the case of my unfortunate client?

Two selections have been already made. The captain has already been pronounced a traitor, and he who appeared as his lieutenant has been condemned for conspiring with him, and for acting in the prosecution of his treason. But with respect to this third man, and with respect to every other man, who shall hereafter appear at this tribunal, allow me to impress upon you the extreme importance of cautiously guarding against that which is so likely to follow from the course adopted. I fear that your minds may be familiarized to the subject by degrees, and acquiesce in the gradual extension of your notions of guilt, to a point they ought never to attain. I deprecate the argument, that though the second may not be quite so bad as the first, yet the difference is not very great, and having condemned the one, therefore we shall do no great harm in refusing to acquit the other; for it may then be deemed a legitimate consequence, that the third shall follow the fate of the second, though somewhat less strongly implicated; the fourth man may approach within one shade of the third, and so on to the end of the chapter, while perhaps if the last man had been first called to answer, and the evidence had been confined to the real nature of the crime alleged, you would have treated with the ridicule it deserved, the charge against him. Let not the line of proceedings that has been pursued mislead your honest judgment; it is not by degrees of comparison between the offences of different prisoners that you are to be led to a conclusion of guilt against any; but you are to look at each case as it

stands by itself, supported by that evidence alone which undertakes to bring home the accusation to the particular individual before you.

What then is the case against this particular individual, and what are the facts which have been proved upon his trial? With regard to their general nature, we have given very little trouble upon the subject; and with regard to the particular intention which is supposed to have actuated the mind of Isaac Ludlam, that is of necessity rather a subject of observation upon the evidence that has been delivered, than of proof, on our side the question. It is stated by two witnesses, upon whom I shall presently observe, that this prisoner was found in a room with Brandreth the Nottingham captain, when schemes of riot and confusion at least were talked over, and when mischief was debated. It has been constantly opened to you (and if that evidence be true, it is most certainly undeniable) that that was not the first meeting which had been held amongst the conspirators; I say if that evidence be true; but I shall satisfy you that you would betray your trust as jurymen, if you paid the smallest attention to it:—but for a moment and for argument's sake, admitting its truth, there had been former conspiracies in which some of the parties had been concerned, though I know not whether this prisoner is meant to be treated as a party to them. Of these former conspiracies, all mention is suppressed; all particulars are concealed from you by the Crown. Why is this course pursued?—Why are we in the dark upon a subject so interesting and important? and you will remember, that this challenge is not now for the first time thrown out. I have made the observation twice already, and yet this case rests precisely on the same foundation as before, namely, the evidence of Martin and Asbury, on which I shall not fail to offer my observations when I come to consider the particulars related by the several witnesses.

We all know how much the country was agitated and disturbed; we all know that the distresses of the poor had driven them to a state of desperation, that they were all hungry and miserable, and to a certain degree discontented. Such dispositions, in the lower orders, are the materials with which artful and abandoned men can best effect their purposes of treachery and mischief. It is evident that the leader, of whom so much has been said, was acting, by these means, upon the minds of the ignorant villagers; it is clear that this leader was himself deceived, and that he was also in other hands; why are those hands still kept invisible? why is a veil still spread before the mysterious machinery which set the lower agents in motion? Whether this was the act of base spies and wicked informers, whose trade it is to report nothing but danger and alarm, who find their interest in creating the mischiefs which they were only appointed to detect and prevent; or whether for general purposes of mischief, some traitors of deeper views had engaged these

wretched men in their plans; in either case, government had full information of the origin of all that passed; it is essential to a fair understanding of the facts, that the root of them should be laid bare; and yet that information is studiously withheld from the minds of the jury impanelled to decide this cause according to the truth, and the whole truth.

When I name that unfortunate convict, Jeremiah Brandreth, the captain of this host of paupers, it is impossible not to reflect upon the peculiar character which appears to belong to him. I may spare the court the trouble of hearing a second time my own observations upon him, because I have since found him so wonderfully depicted by a noble poet of our own time, and one of the greatest geniusses of any age, that I shall take the liberty of now reading that prophetic description. It will perfectly bring before you his character, and even his appearance, the commanding qualities of his powerful but uncultivated mind and the nature of his influence over those whom he seduced to outrage. It is from the poem of "The Corsair," which I dare say many of you have read, that I shall beg to extract a portrait of that Brandreth, as minute, as accurate, as powerful as if the first of painters had seen him in his hour of exertion, and had then hit off his likeness; at first, indeed, it describes a kind of military reputation, which did not exist here;

"Who is that chief? his name on every shore
Is famed and feared; they ask, and know no more."

But mark what follows,

"With these he mingles not but to command,
Few are his words, but keen his eye and hand;
His name appals the fiercest of his crew,
And tints each swarthy cheek with sallow hue;
Still aways their souls with that commanding art,
That dazzles, leads, yet chills the vulgar heart.
What is that spell that thus his lawless train
Confess and envy, yet oppose in vain;
What should it be, that thus their faith can bind,
The power, the nerve, the magic of the mind.
Link'd with success, assumed and kept with skill,
That moulds another's weakness to its will;
Wields with their hands, but still to these unknown,
Makes ev'n their mightiest deeds appear his own."

Then he speaks of his person:

"Unlike the heroes of his ancient race,
Demons in act, but gods at least in face;
In Conrad's form seems little to admire,
Though his dark eye-brow shades a glance of fire.
Robust, but not Herculean, to the sight,
No giant frame sets forth his common height;
Yet in the whole, who paused to look again,
Saw more than marks the crowd of vulgar men.
They gaze and marvel how, and still confess
That thus it is; but why, they cannot guess.
Sunburnt his cheek, his forehead high and pale,
The sable curls in wild profusion veil;
There breathe but few, whose aspect could defy
The full encounter of his searching eye.
There was a laughing devil in his sneer,
That roused emotions both of rage and fear;
And where his frown of hatred darkly fell,
Hope withering fled, and mercy sighed farewell."

I am sure you will forgive the length of this beautiful extract, on account of its singular aptitude to this extraordinary person; it really seems as if the poet who drew such a picture must have known the original.

In the history of the transaction, Brandreth is first introduced to your notice at the public-house, surrounded by several individuals; amongst the rest, this Isaac Ludlam is stated by the two witnesses first called to have made his appearance; whether he did or not, I cannot pretend to say, and I rather think I shall convince you that these witnesses are entitled to no credit. But supposing he was there, and remained a part of Sunday, and that several things which are stated actually passed, does that prove him to have been concurring in any conspiracy which this captain might have formed for any wild, indefinite, or absurd purpose? on the contrary, one of these witnesses expressly declares, that during the six hours he stayed there, he does not know that any thing was said about the government in the prisoner's presence; he says, that when the prisoner entered, the map was in Brandreth's pocket; he says, that nothing was said in his hearing about killing the vermin; and that the miserable doggerel verses, as to every one trying his skill, were repeated before he came, and were not afterwards mentioned. That is the account by the first witness, of Ludlam's share in the interview at the public-house. If you look to Shirley Asbury's report, you will find it so confused, so full of prevarication and contradiction, that I hardly know how to recite it to you: such a tissue of manifest falsehoods was never attempted to be imposed by the most impudent witness on the most credulous jury. Both of them tell you they had been recently sworn in as special constables, for the protection of their masters, and that they went accidentally to the public-house; can you believe that? and that they heard revolutionary plans discussed in this house and in a public room open to the most general inspection, and to which all mankind had access. My learned friend, however, has an ingenious paradox, which at first struck me as a little singular, but which was necessary as a theory, to account for the facts which these witnesses undertook to prove; he makes the general remark, that there is nothing improbable in their being extremely public and unreserved in their disclosures, for they were on the eve of breaking out into insurrection, and wished to have it generally understood how bold and decisive their measures were to be. Now, that is not to me a very satisfactory explanation; conspiracy in general is more reluctant to expose itself, "it shames even to show its dangerous face by night;" that such disclosures should be made with a loud voice, in the full light of day, is a statement so contrary to experience, as to call for a new theory to make it even credible. I remember it was observed on the trials in 1794, that the persons then accused of treason,

were fond of magnifying their numbers, and boasting what great things they had the means of effecting; but not when the sun was in the heaven, not when such announcements would have called down immediate interference on the part of the magistracy and the government; but privately, cautiously, and in a clandestine manner, so as to give encouragement to each other without attracting the notice of the superior powers. Such was the observation in 1794, and it was rational and consistent; would not the same conduct have been pursued here if similar intentions had been entertained? I maintain that it would, upon the evidence of these two men themselves; for though they tell you that the intention to commit riot and outrage was loudly and fearlessly proclaimed, yet they swear in the same breath that they themselves were threatened with destruction if they whispered a syllable of the secret to any one. These things have both been stated by these witnesses upon their oaths; and I ask you upon yours, whether it is possible that both can be true? How can human ingenuity reconcile two such answers? Oh, they spoke of revolution freely and openly; they had no desire to conceal their plan, on the contrary, they wished a general terror to be spread by its being universally foreseen. Then why did you conceal it? you, the witnesses who seem to have been admitted for no other purpose than to disseminate the expectation? mark the answer—because they threatened to put us up the chimney if we said a word about it, and because we were enjoined to secrecy by the terror of instant death.

Another thing appeared in the evidence of the special constables, which, for the sake of the prisoner, I remarked with pleasure, for in my mind it utterly destroys their credit: "you tell us that being a special constable you heard some talk about your masters being murdered, those masters whose bread you were eating, and for whose protection you had just been sworn into your office; now when you heard, from that conversation, that the danger was imminent and near, why did you not give them immediate warning, and afford them the means of providing for their safety?" You will allow the question to be a fair and natural one; it has received a great variety of answers, which are not unworthy of examination. The first answer is, "they threatened to cram me up the chimney, when I told them to remember that I was a constable, and that it was wrong to go on with this sort of conversation." That perhaps might be a very good reason for not enforcing their remonstrances there, or proceeding to apprehend so numerous a party; but it seems rather an insufficient one for not telling the story when they got home. Why was not that done? Oh, they did not tell the story when they got home, because these persons "threatened them so very hard;" they said they would take the lives of anybody that told. Now, that I have proved cannot be true, for the same man cannot at the same

moment desire that the same affair shall be both public and private, they could not intend at once to avoid detection by its secrecy, and scatter consternation by its publicity.

These reasons, then, being found extremely weak and insufficient, another is to be sought. "Come, witness, you see that these pretenses will impose on nobody, tell us at length your real reason." "Why, then, if I must speak the truth, we did not know that we had any right to communicate to our masters the design to attack and murder them." Asbury declared that to be as true as any thing he had sworn besides; which is the only answer I give him credit for. That all the rest was as true as that account, I firmly believe; but, is that an account which you can possibly believe? that these special constables, who were appointed but the day before, for the express purpose of protecting their masters lives and property, could have the smallest doubt whether it was their indispensable duty to go and make an immediate disclosure of what they say they heard? The men have sworn it, but juries are to look at probabilities as well as assertions; they are to take the whole case and every part of it, and if by the utmost stretch of credulity they cannot bring themselves to trust to what is nominally sworn, but never can be satisfactorily proved, they will not only obliterate that fact from their minds, but every other which proceeds from the same polluted source. Between hearing a thing stated, and judging it to be proved, the difference is wide indeed; and in this case you will be anxious to scan with jealousy every particle of evidence, assigning to it its just weight in the scale, and its due effect on all the surrounding proofs.

It was evidently necessary to provide another reason, and which was hit upon yesterday for the first time. Having kept it to themselves on the former inquiries, both these men happened to discover it on the same day, "Why did you not apprise Mr. Goodwin of his danger?" "Because," they say, "they thought it unnecessary, since he had already taken the alarm, had appointed special constables, and had his forces on the alert to repel any attack." Now, when danger is expected, and where persons are sworn in as constables for the special purpose of repelling it at some indefinite period, do you think it possible that these persons should hear that what might be distant and doubtful was approaching and certain, that their throats are to be cut to-morrow night, and yet that they, the selected guardians of their masters' safety, should bury in their own bosoms such important intelligence? "The people from Sheffield and Chesterfield were to come at ten o'clock;" fixing even the precise hour of their intended arrival to destroy the gentlemen at the Butterley works, and yet the special constables disclosed nothing on the subject, because those gentlemen knew they were to be attacked. But does it require to be a special or any constable at all, for a servant to disclose

to his master that his life is to be sacrificed to-morrow?—does it require to be any thing but a man to warn a fellow-creature of his impending danger? Forgive me, gentlemen, for intruding you for one moment to make the case of these wretched witnesses your own—would you, could you have known such a fact, and concealed it? and the question is equally material, whether the witnesses are perjured in stating that the project was to be kept secret, or made public. My learned friends, with an extravagant tenderness towards these men—I mean the witnesses, not the prisoners, though this prisoner is much more entitled to tenderness, and I should have liked to see a little of that candour exercised towards him, which is so largely lavished on these two witnesses—my learned friends find a charitable excuse for them, which they have not pretended to advance for themselves. “Oh,” they say, “they had not quite the firmness to make the disclosure;” and for want of it, the matter proceeds to extremities, and terminates in a war, which is extinguished by eighteen hussars and a single magistrate.

The events of that night must take their character from the preceding designs; and then rest on the honesty of these two miserable witnesses alone. They alone describe what passed at that extraordinary meeting—extraordinary in all its parts—improbable in its general bearings—strange in all the language that occurs—unparalleled, from the circumstance of being attended by constables, one four hours and another six, without making the slightest objection then, or any disclosure afterwards; but more marvellous than all, in the nature of the proof which has been applied to it. Consider a moment how it might have been proved, if true. Cope was present with these men, who is a witness in the list delivered, who has been examined out of court on the part of the crown, and who is not called to support this tottering testimony. Elsdén was present; what he could have proved is well known to the crown; but neither is he called here to confirm the two accomplices; for upon their own showing, I put it broadly and distinctly to you, that accomplices they are, nor can that proposition be disputed. There is no doubt that if there was treason committed, they were accessaries before the fact: it is ridiculous, on any other principle, to suppose that they could hear of overturning the government (if they did so) and that they should subscribe their money to despatch messengers to Nottingham. If they heard any thing of what they swear to, they heard all; you must take the whole or no part of their narrative. Their own account therefore makes them accomplices in the strictest sense of the word, and requires the fullest confirmation. They might have been confirmed by Cope and Elsdén, if their story has any truth in it; but neither Cope nor Elsdén are brought as witnesses before you.

But this palpable deficiency of proof is supplied by an ingenious argument: you will be

told that we for the prisoner, by calling some of the persons who were present, ought to have convicted the two witnesses of falsehood. To that I answer, that it is the duty of my learned friends to make out their case, and not for me to disprove it before it is made out; they are to establish and confirm, and something must be set up that demands contradiction, before I can be called upon to contradict it. The burthen of proof is entirely upon them, and if any part of that proof fails, the prisoner is entitled to a verdict of acquittal at your hands.

But even if I were bound to contradict them, and had had the amplest means of doing so in the first instance, in what situation am I now placed? Is there an individual who was present at that meeting, that is not put upon his trial as a traitor? Neither the sons of the prisoner, nor any one to whom it is imputed that he listened to all this improper conversation, can possibly be called as a witness for the prisoner, for the plain and conclusive reason, that they are all made prisoners themselves; and that being charged as conspirators upon the same indictment, they are of course incompetent to appear in favour of any party indicted.

Equally ingenious is another argument in reserve. We shall be asked, why we do not call Mrs. Weightman, who kept the White Horse, to contradict that which no man of common sense can believe? But if we had called her, what could she have proved? could she have proved that the witnesses or others were not there? By no means; I do not dispute the fact; and probably they were there; it is not the fact of their going to a public-house, and taking a pint of ale, and staying four or five hours, by which I am affected. I should indeed be affected, and the prisoner's life might be sacrificed, if you were to believe (which I am sure you will not) these witnesses' account of what passed while they were in the parlour. That portion of the evidence is alone material, and as to that, however gross the fabrication, Mrs. Weightman could not have detected it; for she is not stated by any one to have been once in the parlour during the whole time this talk was going forward. Then how can I be told, with a grave face on the part of the crown, that I might have called the others, and that I might have called Mrs. Weightman? She knew nothing of what passed in the room, for she was never there; and all the persons who were in the room are disqualified and reduced to silence by the conduct of the crown, which has made them defendants upon these proceedings.

The necessity of confirmation is still felt, and other circumstances are resorted to. I cannot serve my client so well as by adopting a few observations of my learned friend, Mr. Sergeant Copley, in a late trial, upon this subject of confirming accomplices. To me they seem conclusive; and I have sometimes noticed these cases of confirmation adduced at the bar in a manner more like mockery of the

human understanding, than a serious proceeding in a court of justice. It is said, an accomplice is to be believed in all he testifies, when confirmed in some things and not in others; that if he states correctly where he breakfasted and where he dined, and where he played at cards in the evening; as to all which indifferent matters he will be sure to receive enough confirmation, he must therefore be believed, though unconfirmed in all the material points to which he may choose to depose. I know my learned friend will say, that no prosecutor would ever call an accomplice, if he could be confirmed in all particulars, because those who could so confirm his testimony, could themselves have given unsuspected evidence of all he said. But here are persons present at this meeting, Cope and Eleden, who could have told us every word that passed; it was important to throw all possible light upon this obscurity; but the accomplices remain unsupported by two persons who were present, who are in the list of witnesses for the prosecution, but are not presented to the scrutiny of a court of justice. I remember once, because a woman had had greens for dinner, I think about a year before the time she was speaking as a witness, that was considered as a confirmation of the accomplice, who had said that he had greens for dinner at that time; but it is obvious, that the breakfast, and the dinner, and the supper, may be all rightly recorded, while every material fact is wholly destitute of foundation. But you shall hear how Sergeant Copley dealt with the observation: speaking of Castle, the witness for the crown on Watson's trial, he remarks, "It is said that he is confirmed, and because he is confirmed in some facts, you are therefore to believe him in the rest. This is a position, which lawyers are in the habit of stating in a very unqualified manner; but it is not a position which can be maintained to this extent, according to any principle of common sense." You cannot fail to agree with these observations. He proceeds with the same good sense: "There is no man who tells a long and complicated story, like that which you have heard, who may and must not of necessity be confirmed in many parts of it; the witness was upwards of eight hours in giving his evidence, and of course stated many facts which no man denies, which have been in all the newspapers for weeks and for months past; and because he is confirmed in certain particulars, you are therefore required to believe the whole of his story to be true."* Fortunately for the purposes of justice, the jury addressed by sergeant Copley did not believe the whole or any part of that man's story; and now let us see whether you can believe this. Here the accomplices are supposed to be confirmed by the subsequent transactions; that is, by the rising in the evening of Monday. Now, if this Asbury had gone to Mr. Goodwin, as he ought, on the

Monday morning, and Mr. Goodwin had said, "I cannot believe you, the thing is improbable, and you are not a man to be believed," the rising on the Monday evening would indeed have become a striking confirmation of a suspicious report; but when the story of the design is never told till days and weeks and months after the execution; when the deliberation about levying war is never heard of, till long after the war has been levied and put down, and hundreds of people had been examined by the magistrate; any story, however false, of the origin of the mischief on the Sunday, must have met with full confirmation from the events of the Monday. This is the explanation I give of it, in my own mind. On the Monday night something (we will not now dispute) whether a war, a rebellion, an insurrection or riot, notoriously takes place; it is publicly known to be prompted and commanded by a man called the Nottingham Captain, and it may perhaps be proved that these two witnesses were with that man on the Sunday, when he was supposed to have prepared the proceedings that ensued. Their conduct is naturally called in question: what, you special constables, you who had been just sworn in to protect the Butterley-works, and the lives of your masters, how came you to be in company with this leader, at a crisis so pregnant with danger? Oh, I will tell you all. Gentlemen, do you not believe that they told much more than all, to purchase their own security, and shared their own guilt with others who were not really implicated? Is not that a probable explanation? and can an accomplice under such circumstances find credit with the jury? Supposing that you had resided near the place, and that these men, to injure you, or to save themselves, had chosen to swear that you were at the Sunday's meeting, how could you have contradicted them? They might have defied you to get rid of any story they thought proper to invent against you; unless you happened to have left your house with that caution in defence of your innocence, which belongs to guilt alone; unless you had provided a distinct alibi, before you took your Sunday's walk, the thing would have been as distinctly and undeniably proved against you, as it is against Isaac Ludlam by these two witnesses.

If, then, the confirmation resulting from the fact of the rising, is disposed of by these remarks, several other points of confirmation might have been established, of which nothing is to be found. Verses are said to have been recited, and copies taken away; we have seen no copy produced—it might have been. If Asbury burnt his copy, having committed the verses to memory, there were many others. My learned friend, the attorney-general, says, these verses are dangerous things; they are not very fine poetry to be sure, but they might be set to fine tunes, and then they might produce as great a sensation in a rebel army, as during the French revolution. The imputation is, that these people were copying them out

* Watson's Case ante p. 513.

with delight, and making charms and amulets of them; and that they did produce a grand effect upon their minds: but is there one single man who says that he heard one single expression out of them employed during the rising? Could it have happened if these Tyrtean strains excited so much enthusiasm, that no witness should have heard a single scrap of them, either sung or said? How do I know but that Asbury made these verses himself? I think he is as likely to be their author as any other man; nothing is rendered more probable by his swearing it; and his familiar acquaintance with the nonsense he recited savours of a father's partiality.

There was another document, a map. It has not been exhibited at least; if there, it might or might not have been found, and I do not put that as a very strong argument, though that is a confirmation which the case admitted. Another remark is of more consequence; money was collected, and they sent Weightman on horseback to Nottingham, and he set out upon his journey, in the day time, on a Sunday, when people are most abroad, on that public king's highway between Pentridge and Nottingham: did any one see him on his horse going or returning? Such a confirmation might reasonably have been expected; and the absence of any collateral proof in this case is ten thousand times stronger than in any other, on account of the diligence and acuteness which have been for so many months employed, with the fullest command of information in detecting every particle of this alleged conspiracy. From several quarters the clearest confirmation might have been obtained, if the story was true; there is none from any; and these accomplices, according to the rules of courts of justice, are therefore to be discarded with disgrace from your recollection, and the case must be left to the other parts of the evidence.

On the Monday night, it is not denied, that this poor man joined the party: and you will do my learned friend and me the justice to observe, that we have not wasted time by troubling you with idle contention on clear matters. We called no evidence; from the nature of the case it was impossible; we have not—as we might, if we supposed you had taste for such entertainment—fatigued your attention by long cross-examinations, for the sake of raising a laugh, or of betraying ignorant witnesses into confusion and trifling mistakes, but we meet the evidence on the fair ground of reason and probability; and upon that ground we refer it to your honour and your oath.

This prisoner is the third who has been selected for trial. With regard to the propriety of beginning with the first who was tried, there can be no difference of opinion. If treason was committed, Brandreth was the most deeply implicated in it: if war was levied, it was levied by him; and whether he originated that treason, or was the tool of others (as I most firmly and conscientiously believe) he would

stand equally without excuse in the eye of the law. Other circumstances appeared against him; and above all, that unfortunate one on which any jury would dwell with regret, I may say with prejudice, the shooting of that poor innocent boy. That act of violence perhaps was brought forward with rather too much zeal; but it could not fail of pointing out the determined leader in a scheme of mischief, by his unrelenting sternness, and his daring and impetuous temper. The second was the man whom they called lieutenant; and these two were certainly walking by the side of the others; the lieutenant took an active part, and did that which I was sorry to hear proved against him, when he threatened the life of Mr. Raynor. There was mischief and danger in what he said; but I think it was pressed a little too strongly against him; for whether it was treason or not, all these circumstances might have equally occurred. And it is singular, that in every case, my learned friends, not satisfied with the proof of treason alone, though that is the only charge, have connected it with some independent circumstance, which can have no other effect than to make the jury look less favourably on the general character of the prisoner under accusation. The murder was thus made the prominent part of the first case; the menace of the second; and on the present occasion this prisoner is selected on account of a fact, which if proved has nothing to do with treason, I mean the suspicion cast upon him of having deceived and deluded his own sons, and tempted them to walk in those dangerous footsteps which have led him to the jeopardy in which he stands. I sincerely wish my learned friend had not made that statement; and am disposed to think, that when the bustle of these proceedings, and the passions they naturally excite, are at an end, he himself will repent of having done so. It has no bearing on the question, nor at all increases the probability of the charge being true; but besides, I am sure that you will consider it as unfounded in fact, as cruel and inhuman in its application. What, gentlemen, a father to mislead his sons to the commission of crimes by which their lives are forfeited? Examine the evidence, and even if this poor man is to go to the scaffold, and suffer that death which would be the result of your verdict of guilty (if you could bring yourselves to pronounce it); if he is to perish with his two sons, and to see them suffer the same ignominious and cruel death; even then, he might have been spared the additional torment of being reproached with betraying them into that fatal snare: his memory should not have been unnecessarily stigmatized with a crime the most revolting to human nature; and which your own feelings tell you, ought not to be imputed without proof the most direct and irresistible. Is there such proof in this case? I say no; I assert that this man is no more proved to have led his sons, who are grown up men, into this unfortunate affray, than to have been led there by them. I have

just as much right to assume that they dragged this poor helpless grey-headed man to the assembly they all joined and the probabilities are all in my favour, as my learned friend has to assume that he induced them; your knowledge of human nature and of your own hearts will convince you, that this is the most probable history. We have no direct proof what it was that acted on their minds; whether the boys first went, or followed; but we do know, that the young are more prone to such enterprizes than the old; and every father will reject the imputation that the parent should have wantonly seduced his children into guilt and danger.

What has been truly and wisely observed by my learned friend Mr. Cross, is particularly applicable to this branch of our inquiry. Let it not be supposed that we have no defence because we have no evidence; who has deprived us of our evidence? The crown. It is the crown who has charged the two sons as fellow conspirators with their father; their lips are sealed, for they may themselves be brought to trial to-morrow. With respect to this prisoner, you will not expect from him the declaration, when his sons may so soon be placed in his present unfortunate situation, that their crime was aggravated by the enlistment of their aged father; if he should offer any address to you; whether he will, I know not, but I am sure his silence upon this subject, the reluctance of a father to accuse his offspring, ought not to operate against himself; from that silence which his paternal affection may suggest, you will not uncharitably presume that he led his sons to be cruelly butchered, when it is far more likely that he went to watch them, to bring them home at the earliest moment of their repentance, and that he also yielded to the overpowering force of their extraordinary leader. He witnessed his violence, and heard his menaces; and if these two miserable witnesses can be justified on account of fears which must have subsided when they quitted his presence, how much more is the same protection to be extended to a feeble and unhappy father, who, because his sons have unfortunately joined a tumultuous body of rioters, follows them to that scene of danger, and is overpowered by the frantic cruelty of their desperate captain. I repeat then, that that imputation is not made out by any evidence, it is mere imputation; the one mode of considering the case is just as probable as the other; it is made impossible for us to refute it, for we are deprived of our evidence; but it derives no support from anything that has been proved. I recollect but one occasion when he mentions his sons at all, and then his expression is, that they are along with them. Can any inference be drawn from that expression? Supposing him to have yielded to the violence and fury of the man that led them, and his sons to have done the same, is that inconsistent with such an expression? He might state the fact, as his own motive for having joined the multitude.

I really trembled at the opening, and expected to hear it proved, that in pursuit of some long matured treason, he had been beating up for recruits in his own family, and came with the dignity of an ancient baron bringing his sons to serve in the wars; but the proof relieved me, for there is nothing to shew any anterior notion on the subject, but his reading the paper produced by Turner. If true, that admits an easy explanation, by supposing him the only scholar who could read; but it is proved only by the two wretched accomplices; upon whom I have already wearied you with my observations.

Now, is there anything to contradict the statement I make to you? No doubt this man held a pike, he was with the party in the rear-guard, according to that language of military science employed by the witnesses, which the volunteers and local militia have made so current amongst us. He said to one man, "you must go with us, we cannot spare you;" these are his acts; but that there is not a single word respecting his motives, I appeal to the evidence, which will be detailed to you by the learned judge. Some of the witnesses, I know, who speak under the influence both of resentment and alarm, and cannot help exaggerating the circumstances by which their safety has been compromised, say that he was pushing a man forward more than once; but they mention no names; those that were so prevented from escaping, must have been unwilling to proceed, and do not stand in the situation of accomplices; yet not one of them is called to prove the fact, except, I think, one William Smith; and now I wish you to be particularly attentive to the way in which that person was examined, and gave his answers. He deposed, "that the captain formed the men into ranks; this was a little beyond the wire-mill; that William Turner, the lieutenant, assisted; he had a gun. We went towards Pentridge, and at Pentridge we rattled at several doors. Did you see the prisoner in any part of the march?" the answer is, "I do not know that I did, till we got to Butterley." So that this active person, this third in command, was never seen by William Smith, who knew him well, for the whole distance from the wire-mill where he joined, to Butterley. At Codnor the witness offered to leave this body of men; and here the imputation to be raised by William Smith's evidence is, that he was prevented from retiring by Isaac Ludlam. I hope you understand me, I state it quite fairly. And I beg you to observe how Mr. Clarke, who managed the examination with the greatest address, contrived to introduce this inference. After bringing the witness to the Glass-house at Codnor, he suddenly inquires of him, "Do you know Coburn-quarry?" "Yes."—"Well, who worked Coburn-quarry?" "It was not in work at that time at all."—"Well, but did the prisoner Isaac Ludlam ever work in it?" "Yes, it was worked sometime before by Isaac Ludlam."—"And how

far is it from his house?" "About three or four hundred yards." Now having by this machinery introduced the name of Isaac Ludlam, by means of the Coburn-quarry, which he did not work at the time, then my learned friend takes a short turn to the Glass-house at Codnor, and makes him answer that the prisoner was standing at the door there with a pike in the rain under the eaves. Then follows the question, "Did that prevent your escaping?" I think that was not quite a fair way of putting the question, for the answer might have been true, and the impression produced by it entirely false. He ought to have been asked what did prevent him; and then if the prisoner did any act with that intention, the evidence would have been regular and material. But this, which would have been the proper course, is not adopted, and the evidence is left by my learned friend to receive that interpretation which suspicion may attach to it. But my friend Mr. Cross did not leave it in that degree of doubt, he boldly pressed the point home, and asked in his examination what Isaac Ludlam did to prevent the witness from escaping. You heard the witness declare upon his oath, that Isaac Ludlam neither said nor did anything, but only that he had some supposition of his own about it. Is that the way in which the lives of men are to be sacrificed? is it thus that charges of high treason should be proved? on loose and insufficient evidence so pieced together by the dexterity of an advocate, as to give a mere imagination the semblance of a fact? Are innocent men in this manner to be sworn out of the world?—I hope you have remarked this; I think you could not fail to observe the course of that examination; and I am confident you feel with me, that the result amounts to nothing.

Now, whether he was a little more or a little less active in his obedience to the captain, I confess appears to me, under such circumstances, very immaterial, for the captain and Turner were clearly assuming the lead, marching out of the rank; Brandreth acting in the highest place, and Turner in the second, and this poor man's name was hardly mentioned on their trials; he was in the rear of all; is he to be made the third in command, in activity and forwardness, merely because William Smith saw him at the door with a pike, and because to some other person he said, "no, I cannot let you go?" Indeed it was not so strong an expression as that, but only "you must go forward with us." Two other men were in this rear rank, who are represented to be fully as active as he; those no doubt were younger men, and one of the witnesses says James Taylor, and the prisoner, and another, were the rear-guard. Now I ask you, whether, in all reason and probability, it was not James Taylor, and the other, who were keeping the men together? The mistake is easy, and there is no proof of the prisoner's any otherwise consenting to the acts of the

mob, than as he accompanied them to watch over the safety of his sons, and to bring them home as soon as possible.

The few words that passed between Mr. Goodwin and the prisoner, are also pressed with considerable vehemence against him. I confess that short conversation strikes me in a different light, and whatever suspicion it may excite in you, or the attorney-general, still I am sure you will see that it is nothing more, and it is not by suspicion, but by convincing proof, that this man is to be condemned of the basest and heaviest of crimes. Mr. Goodwin, with a feeling that does honour to his humanity, seeing a peaceable old man, whom he knew so well, walking among these persons prepared for outrage, exclaimed with surprise, "good God, Isaac, are you there? go home; the law will be too strong for you; you have a halter about your neck; I will give you protection, come into my office." It was a friendly and a generous offer; but if he had accepted it, he must have left his sons behind; they were not within hearing at the moment; and if the prisoner had made any effort, for the purpose of addressing them, what think you would have been the conduct of the captain? Do you believe he would have tamely permitted them to withdraw? or would he have hesitated to repeat the outrageous act he had committed at Mrs. Hepworth's? do you doubt, that if he had seen this man, who is represented as his rear-guard and the third officer, attempt to desert, he would have laid him low at his feet? his two sons might have shared his fate; at all events, they would have been left as hostages in the hands of an exasperated leader, exposed to his dangerous revenge, and hurried into his violent courses. I think there is something distressing in this man's answer to Mr. Goodwin's solicitation; "I have gone too far, I cannot retract; I must go on;" it marks the agitation of a man alarmed for himself, and for those most dear to him, and deferred by the immediate fear of death alone, from accepting the proffered shelter so suitable to his grey hairs. Mr. Goodwin says, we would have hazarded our own lives in his defence, after offering to protect him; and I give entire credit to the sentiment; but though this man had not the courage and promptitude of mind to accept that refuge, at the moment, from fear for himself, or from affection to his sons, or from both motives acting at once upon a timorous mind, for God's sake, let not that be taken as proof of high treason; when nothing is disclosed inconsistent with the views taken by my learned friend and myself, of the leading features of this case, and of the object with which the prisoner first joined this party.

I do not trouble you by going particularly through the evidence, though I hope you will attend to every part of it, when it is summed up by the learned judge; keeping the two opposite suppositions in your minds, and comparing them with the evidence, as it goes along. You will then see whether our expla-

nation of motives is not at least as probable as that which my learned friend has so unnecessarily brought forward, calculated as it is to excite a prejudice against the prisoner, in the minds of the jury; but not at all more calculated to prove him guilty of this particular crime, than if it was to receive any other legal description; and therefore I think most unfit to be pressed against him, upon the present occasion.

Another general observation seems fairly to arise out of the evidence. One or two witnesses have stated that the prisoner said something about a parliament being held at Nottingham, and that the party were going to guard that parliament. Now suppose anything of that sort to have been said by him, what was it more than adopting the expressions he heard from those around him, telling his neighbours, who like himself were compelled to accompany them, what he had heard these people say they were about? Is not that the fair account to be given? supposing an unfortunate necessity to have constrained any of you to join a violent and outrageous party, and that you were kept along with them, by fear or affection; if any of your friends had been compelled to join you, and had inquired what is all this hubbub, where are you going, and what are you about? you would naturally have repeated the information you had heard; would have said, that they had talked of a parliament at Nottingham; and that you, that is the party, which you, like the prisoner had been forced to join, were going to guard that supposed parliament, to get a bigger loaf, or to attain any other object which had been discussed in his presence. Does it follow from his repeating these pretences, that he concurred in them, and meant to be active in demolishing the constitution of his country? This imaginary parliament at Nottingham is a new speculation; we heard of it on no former trial; it is one of the many delusions which this unfortunate captain was made to practise on his followers, by the persons who employed him; it was no object of this prisoner's; there is no expression of such a kind traced to him during any part of his life; and as to the reading of that paper, if you can believe it upon the evidence of these witnesses, it is fairly explained by supposing he read it without adverting to its meaning or consequences, because no other of the party was learned enough to do so. The time of his leaving that party is not in evidence; he might have left it before Asbury and Martin, or have stayed after them; they were all drinking there, it was a public party, and if an rash and absurd a conversation took place, the hearers might naturally suppose there could be no formed intention upon the subject, and that nobody could be mad enough to talk of such a design in a public-house if they had really contemplated its execution.

In enforcing the probable supposition that the prisoner went among the rioters for the purpose of being near his sons in the hour of peril, I have, perhaps, gone further than I

need; for when you find parties alarmed and controlled by a man, who has the power to wield them to his purposes, it is too much to say that every one of them is bound to give an account of himself and his own intentions. It is for the attorney-general, it is for him who prosecutes, for him who charges that criminal intention which constitutes the treason, to satisfy you that it exists in the particular case; and I perhaps have gone out of the way in arguing that his motives might be innocent, since there has been no unexceptionable evidence from any quarter, to persuade you to believe them guilty.

On the law that is applicable to this case, I will not dissemble that I find myself under some difficulty; I should have paused before I renewed that discussion if my learned friend, the attorney-general, had not felt it necessary, in a most ingenious, a most elaborate and subtle argument, to revert to that subject, and answer the reasonings before adduced, thus treating it as a question still open to further investigation. For my own part, I cannot help bowing under the weight of authority, though my reason may remain unconvinced; but when I am told, by a learned counsel, that such and such arguments refute an opinion which I most honestly and conscientiously entertain, I cannot shrink from the contest. I will set my reasons in array against his and show you why his opinion ought not to prevail. I know my inability to contend with my learned friend, but I will, on such a challenge, descend into the lists once again, and renew the combat in so good a cause.

On a late occasion, my learned friend began with stating, that what amounts to a levying of war, must be a question of law; that was his first maxim. I can only state again, from my lord Hale, that he entertains exactly the opposite opinion, expressly declaring that what is a levying of war, is in truth, and must be a question of fact alone. I will state also what is said in Mr. East's Pleas of the Crown, from the manuscript summary already spoken of, "It must, in general, be difficult in the inception of intestine troubles, to fix the period when opposition to the established government shall be said to wear the formidable appearance of insurrection, and to constitute what, in the terms of the act, is called a levying of war against the king; it is strictly, therefore, a question of fact, to be tried by the jury under all the circumstances." Such is the text drawn from the purest authorities; that is the law of the land; does it or does it not contradict the assertion of my learned friend, the attorney general? and which of us is right? When I am accused of contending against grave authorities, my learned friend must take his share of that censure, for his argument is at variance with the greatest. Sir Matthew Hale says, "what shall be said to be a levying of war, is in truth a question of fact, and requires many circumstances to give it that denomination, which it may be difficult to enumerate or to

define;" but because it is difficult to enumerate and define what the circumstances are beforehand, therefore I contend, in opposition to that doctrine, that it must be a question in each case for the jury; and if that were otherwise, if the judges are at liberty, in violation of the plain letter of the statute of Edward 3rd, to take upon them to create treasons by construction, and ingraft a new offence upon it, I say the statute had better not have passed; instead of securing the subject, it would only lead to what sir Matthew Hale calls a new set of constructive and interpretative treasons; which we ought to be very wary in multiplying, for no man can say where it will end.

My learned friend speaks in the language of panegyric of the judges who have pronounced opinions upon that subject; and I am not disposed to speak of the late judges, Mr. Justice Foster in particular, and lord-chief-justice Holt, in any terms but those of the highest respect. But Mr. Justice Foster does not affect to lay down his opinion as a matter of authority, for he founds it on decisions, to which he refers as the premises on which his conclusion rests. To us, who are in the habit of boasting that the law is the perfection of reason, it can never be improper to inquire, whether authorities are consonant with reason, or whether they support the inference, and above all, whether they can be reconciled with the words of the act of parliament, from which alone the judges derive their power. Then see what the act provides: "As the justices of our lord the king assigned in divers counties have adjudged persons guilty of treasons, for divers causes unknown to the law, may it please our lord the king, and the great and wise men of the land, to declare the pains of treason in this present parliament." The statute then lays down, that compassing the death of the king is treason, and so is levying war against the king in his realm. It then enumerates and defines other acts, which shall also be deemed treason, and proceeds to that most remarkable provision, that if any new cases shall arise, the judges shall not presume to decide it, but shall refer it to the king and his parliament to pronounce whether they be treason or not. Upon this clause lord Coke speaks in language the most forcible and pointed; "If that be not within the words of this act, then by force of a clause hereafter, it cannot be adjudged treason until it be declared treason by parliament, which is the remedy in that case which the makers of the law provided." But, gentlemen, you well know that the judges are not the makers of the law, but the expounders; they are not to legislate, but to interpret what is really doubtful, which this act is not; for the same lord Coke lays it down, that "nothing is left to the construction of the judge, if it be not specified and particularized before by this act. A happy sanctuary or place of refuge for judges to fly unto, that no man's blood and ruin of his family do lie upon their consciences against law!" And all this for a clear reason, which

he had before announced in language which, though rather quaint, is neither inelegant nor unfeeling, and which I will take the liberty of reading to you. "All this was done in several ages, that the fair lillies and roses of the crown might flourish, and not be stained by severe and sanguinary statutes." This then was the object of king Edward 3rd, and his parliament, and I ask you whether this object was not violated, when, in opposition to such express provisions, instead of going to the parliament for a declaration of new treason, the judges in the reign of Henry 8th, declared that the rising of workmen to enhance wages was a levying of war against the king in his realm. That is the foundation of the whole system of constructive treason, and the authority to which all subsequent cases refer; for the judges of late times, whom we all agree to honour, did not deduce their opinion from the statute itself, but thought themselves bound to hold that opinion, because Henry 8th's judges professed a similar.

Now let me suppose that this act had passed only the last summer, instead of five hundred years ago, with this enactment, that nothing should be treason but what is there rehearsed; if the parliament had said to judges, we make this act for the purpose of defining and restricting your powers, and preventing you from extending the letter of the law, by any construction whatever; if you, gentlemen, had been impanelled as a jury to try whether a particular offence described in the act had been committed, what would have been your surprise at hearing from any judge, that you had no right to attend to what parliament had done; that though parliament had referred the question to your conscience and judgment, you must act on the conscience and judgment of the court? Upon such an occasion—the question arising for the first time on a recent act—I presume no jury would be disposed to pay much deference to that doctrine: but after a lapse of ages, the abuse becomes inveterate; and though commencing in bad times and continuing in the worst, at last it assumes the character of that very law which it repeals, and judges and juries forgetting their sacred functions, and thinking only how to please and flatter the crown, conspire to render it incurable. The first authority is under Henry 8th, the second under Charles 2nd, and from that time the subject is continued to the case of *Dammarie and Purchase*, which my learned friend on this occasion has abstained from mentioning; that case, I still confidently submit, cannot be law. Sir Matthew Hale says, it is a question of fact; a special verdict is found stating all the facts; for whom? the judges. What have judges to do with the facts? they are for the jury to decide. Even supposing it proper for a judge to define to the jury what is a levying of war, that it is a rising for a general purpose; having stated that, they had no right to go further; they should have said, tell us whether these men joined in a rising to effect a general pur-

pose? But it could not be correct for the judges to pronounce why the prisoners abused the Presbyterians, the friends of the then government, and cried, "down with the meeting-houses, and up with Doctor Sacheverel!" If, indeed, queen Anne being in possession of the crown to the disparagement of the right of her brother, the Pretender, their hostility to meeting-houses was a mere pretence for cloaking designs against her government; that covert intention would have properly given a treasonable character to their outrages. But that, like all other questions of intention, should have been left to the consideration of the jury, and could, on no just principle, be decided by the judges. You have heard before of the drunken porter Purchase, who joined these rioters, in perfect ignorance of their object, saying only he would go as far as any of them in the cause; and I will read what Mr. Justice Foster says of his offence. Dammaree was pardoned, and three of the judges thought Purchase was not guilty, nine of them I suppose holding that he was guilty; this man likewise was pardoned; both were pardoned;* which gives fair reason to suppose that the construction of law which condemned them was doubted at the time. "The case of Purchase (says Mr. Justice Foster) came far short of Dammaree's, both in a legal and a moral view; what was Dammaree's offence, in a legal view? high treason. There cannot be degrees of high treason. Treason is a higher felony than murder, and murder a higher felony than larceny, but there are no degrees of high treason;" this man's offence therefore comes far short of treason, in Mr. Justice Foster's opinion; he agrees with the three judges who dissented. I am very well content to take the opinion of Mr. Justice Foster in diminishing the mass of treason, in lessening the great evil arising from constructive treasons, and the more so, because he thought the authorities in favour of such constructive treasons too strong to be resisted in general. This is the opinion which lord Hale avowed, lamenting that constructive treasons should ever have been adopted; and though he defers to the authority of his brother judges, withdrawing his own sanction from the propriety of extending the law to any case not expressly named in the statute.

My learned friend's quotation from lord-chief-justice Holt, I own surprised me. If that was the only case to be found since the revolution, and in honest times, it does but little towards removing us from our position. He says, "there may be a levying of war against the king, without immediate danger to his person," that I never disputed; for if, in old times, the prince of Wales, or any of the leading nobles of the realm, had engaged in a conspiracy, and proceeded to take a castle, though the king was not within it, or attack the royal forces, though not under the immediate orders of the king, war might be levied and treason

committed. But does that admission conform to the construction, that pulling down brothels is levying war against the king? is it possible to connect these two cases by any reasonable analogy? yet that was war according to the servile judges of the reign of Charles II. Lord-chief-justice Hale dissented; and where judges dissent from the authority of their brethren, so closely interwoven with their own, there cannot be a stronger argument in favour of the justness of that principle which induces their separation. In another case the judges were equally divided, and left the law uncertain; but with that I will not trouble you; my object is to expose the weakness of the argument drawn from lord-chief-justice Holt's expression, on the trial of Sir John Friend, "There may be a war levied without any design upon the king's person, or endangering of it, which, if actually levied, is high treason; as for example, if persons do assemble themselves and act with force, in opposition to some law, which they think inconvenient, and hope thereby to get it repealed."⁸ Now that is not the point decided; it is no more than an example by way of illustration; why, it would not be high treason to conspire to levy war, unless that war was actually levied. Sir John Friend had thus shaped his defence; "you charge me with compassing the king's death; and you prove merely, that I conspired to levy war against him; now, conspiring to levy war is not high treason, unless it is actually levied." This was true, but not applicable, for the chief-justice encounters it by a very satisfactory answer, "You are not indicted for levying war, but for a treason of a different class: you are charged with compassing the death of the king, and a conspiracy to levy direct war, though none were levied, is an overt act and evidence of an intention to compass his death." And then he states the whole distinction between direct and constructive war. I am so far from feeling, that this little incidental example affects the general reasoning we have advanced, that I think the citation of it, a striking argument of the little confidence reposed by my learned friend in the correctness of his own propositions.

On the present occasion, no notice has been taken of Dammaree and Purchase's case; and having said already, what I thought right about it, I have only to request that you will bear the arguments in mind. But, in defining by what criterion a levying of war shall be distinguished from a riot, it is contended, that if the object be not private and peculiar, and referable to the interests of the individuals acting, but of a more general nature, it shall cease to be riot, and pass by the name of war. I admit that to be a distinction, but I deny that it is the only one, or at all times conclusive. In truth, it only draws the line between treason and one particular description of of-

* 15 How. St. Tr. 614, 702.

⁸ Sir John Friend's case, 13 How. St. Tr. 61.

fence which bears some resemblance to it. To make treason, a peculiar purpose will not do; the purpose must be general; but an intelligible purpose is supposed in either case. That distinction is introduced by the statute of Edward 3rd., which declares, that if people shall ride armed over the country merely to make war against one another, though that justly might be considered levying war, yet it shall not be levying war against the king. Though it is the king's duty to preserve the laws from being invaded, and the country from being endangered by civil commotions; yet it is expressly declared, that such 'private quarrels, however furious and extensive, shall not be treason. To constitute treason, the quarrel must be against the state, and when it is conducted with competent force, it becomes a levying of war against the king. This definition however is questioned on the other side; the success of the enterprise is pronounced immaterial; and most undoubtedly so it is; but it is moreover asserted, that the means need not be competent to effect the object proposed: another attack on high authority, for I can refer to the present lord-chief-justice of England, for the language I employed. "It is not necessary (said his lordship) that there should be an armed force, for it is laid down, with great propriety and good sense, that if any force be raised competent to the purpose, that shall be considered by law, as a levying of war." In this proposition, my learned friend finds something absurd:—competent to the purpose, he exclaims, "that can never be an ingredient in the definition of treason; for if the purpose be revolution, and the force competent, the offenders could not be brought to punishment, since the competent force would subvert the old government, and the new one would feel nothing but gratitude to the insurgents who established it." I must honestly confess, without meaning anything uncivil to my learned friend, that does strike me as much more like a quibble than an argument: for to be competent to a purpose is not the same thing as being sure to effect it; and we know that means are frequently set in motion competent to an end which they do not attain, because injudiciously employed, or accidentally defeated, or overpowered by superior force. As to the treason of compassing the death of the king, the most trifling act, presenting a pinch of snuff, if there be poison in it, might accomplish that purpose: any act revealing the treasonable mind is sufficient: but in levying war to subvert the state, something like a competency to the purpose—something like a rational proportion between the instruments and the object—is rendered necessary by that statute, which is the polar star to guide all our decisions upon this subject.

I find in my notes another observation which I think I have already answered. It was urged, where levying war is mentioned in the sta-

tute, a direct war against the person of the king cannot be alone contemplated, for that would have been already comprised in the provision against compassing his death. But I have already admitted, that cases may exist—as, where his castle or his troops were assailed in his absence by a rebellious force—which would amount to a clear levying of war against the king, without the contemplation of violence against the royal person; there is therefore no inconsistency in providing against both cases.

In his general discussion of the law, my learned friend has now resorted to a new and very refined piece of logic, raised on a particular phrase in the act, and I was unfortunate enough to interrupt my learned friend when he first produced it, not really knowing there was such a word in the act. The prisoner is tried for levying war against the king in his realm; that is the charge against him in the language of the legislature; but in a clause at the conclusion a different language is introduced, and applied to all the treasons enumerated; "and it is to be understood that in the cases above rehearsed, that ought to be adjudged treason which extends to our lord the king and his royal majesty." These last words, by a curious legal manœuvre, are attempted to be imported into the earlier part of the statute, which would then be read thus: "it shall be treason to levy war not only against the king, but also, as a distinct offence, against his royal majesty;" and then the construction is to be raised. But this would equally apply to all the other treasons; "imagining the death of our lord the king, or our lady the queen, or their eldest son and heir, violating the king's companion," and so on; "bringing false money into this realm, counterfeit to the money of England," and all the others. I do most strenuously contend against this inference and strain of wit, for it would lead to consequences far more extravagant, than any the most constructive judges have ever thought of. It would extend to every opposition to a sheriff, who executes civil process in the king's name, and so conducts one of the most important functions of the royal authority; it would be treason to commit the slightest violence against the peace of our lord the king, his crown and dignity; and though no intention to endanger the royal person or to interfere with his government were harboured, his royal majesty would be infringed, on this supposition, and a war be levied against him in his realm by every riot, trespass, and assault committed within his dominions.

So much for what my learned friend advanced; but observe also how much he passed over. I heard nothing urged by him against the argument arising out of the several riot acts, which I trust you have not forgotten. I repeat that yet unanswered question; If to assemble for the purpose of breaking down all inclosures, and so on, was levying war against the king, why was the act of Edward VI. passed? By that act, when twelve persons or more assemble for the purpose of changing the

* Watson's case, *antè* p. 580.
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religion established, and of breaking the law, they shall be guilty of high treason, not in all cases, but only in case they continue together for a certain period of time, and do not disperse after proclamation made. That law enacted in the reign of Edward VI., re-enacted with alterations in the reign of Queen Mary, and again put in force by an act against rebellious riots in the reign of George I., never could have been made if the offences described were high treason before. I wait for a reply, for I have heard none yet; and I shall beg your attention to that reply, when it falls to my learned friend's turn to address you.

These statutes suggest another illustration of my leading principle; they prescribe certain penalties against persons assembled to the number of twelve or more. Suppose it had been handed down to us, that in an arbitrary reign, soon after the first of those laws was enacted, some judge had thus addressed a jury: "Gentlemen, you see it declared by this act, that twelve persons meeting shall incur the penalties of the act; now the danger is the same in an assembly of eleven, though not within the words, it is within the meaning of the law, and the judges therefore have agreed to make that treason by construction."—Perhaps the act might have said, that judges should have no such power, that all construction should be excluded; but no matter. Lord chief justice Jefferies, when he went the western circuit, and destroyed by wholesale the unfortunate men who had been with the Duke of Monmouth, always recognised the principle, that within the legal meaning of that act, eleven were equal to twelve. Gentlemen, could this be endured? would any jury submit to it? It is not to be supposed that in such times as these, such a thing could be attempted; but it is against adopting, in humane and enlightened times, the sanguinary practice of reigns half barbarous, that I appeal to reason, common sense, and law. With the opinions which I entertain, I might, if the course of proceeding were different, carry this important point to the consideration of a court of higher resort, and obtain a decision from judges of higher authority, but that cannot be done here, the argument must be stated in the course of my appeal to you, or not at all. You have heard the contention on both sides; and I ask you confidently, have I argued the point on fair principles, and have they received a satisfactory answer? My learned friends rely on argument, inference, and construction; I stand upon the plain letter of a most intelligible statute, which ordains, that no construction of law shall ever be applied to it, and that any case which is not mentioned therein, shall be disposed of, not by the judges who had formerly abused their power, but by our lord the king and his parliament.

This is my answer to the elaborate arguments which the learned attorney-general found it necessary to adduce in reply to our clear and simple legal propositions; to my

own mind, the answer we have offered carries complete conviction; but the decision rests with you.

Having thus argued the law, observed on the facts, and gone through the evidence as well as I can, not pretending to specify every little circumstance, and admitting (which it would be folly to deny) that there has been great and outrageous mischief committed and threatened in Pentridge and the neighbouring parishes, in the first place, are you satisfied that you can truly call the tumult a levying war against the king in his realm? in the second place, as to this poor unfortunate man, walking with a pike in his hand, with all the motives that so evidently actuated him, is he sufficiently proved to have partaken of any general purpose, to be considered guilty of the enormous offence of high treason? These are the questions to be tried, and you will try them calmly and dispassionately. I am sure, that if you feel it a case of doubt, if you feel that the prisoner has not been fairly and conclusively affected by the evidence of that doubt, you will gladly give him the advantage. Such would be the direction of learned judges in any case; but in this, the most important of all, it is your peculiar duty to watch with jealousy the extension of the letter of so clear a law, and to be perfectly convinced in the words of my lord Coke, that the evidence is brought home to the prisoner, *not probably, but provably; not by arguments and inferences, and strains of wit, but by plain, direct and manifest proof*, before you return a verdict of condemnation. If the smallest tittle of that proof should be wanting, you are bound by the oath you have taken, to acquit the prisoner. But in this case, wherever we turn our eyes, we are encountered by fresh doubts, doubts at least upon the law, doubts on the character of the transactions, doubts on the effect of the evidence, doubts on the credit due to the accomplices from whom it proceeded, doubts as to the motives, doubts as to the expressions. The prisoner was but a few hours with the party: when he left we do not precisely know, but it was certainly before the dragoons came up; and in the absence of all direct and positive evidence, I submit that so many doubts on the one side, amount to absolute certainty on the other. On retiring from the box, and minutely examining the evidence, if your minds cannot be clearly and fully satisfied that this unfortunate man was guilty of the high offence imputed to him, you will rejoice in the verdict you must then pronounce. By whom these few poor unhappy and miserable wretches were corrupted and seduced from the path of duty, we are still entirely uninformed; was not that a doubt worth removing? No such attempt has been made, and it casts upon the whole proceeding a cloud of the blackest suspicion. You will ask yourselves why it has been kept back, and not convict a man upon evidence thus managed and selected, and upon a few circumstances picked out of a long series

of transactions, without knowing the origin and source of all, and who it was that tempted the miserable captain to betray these ignorant villagers into guilt and ruin.

It will then be your happy privilege to give a turn to these prosecutions; this victim must be saved by your verdict; for the proof is manifestly defective, and the case abounds with doubt. I revert not to the past; but how enviable is your distinction, how blessed the lot that Providence has cast upon you! The waters of wrath are beginning to subside; it is for you to hold out the olive branch, the auspicious symbol of pardon, hope, and joy. Yours will be the blessing of the peace-makers, yours will be the blessing of the merciful, who shall obtain that mercy which they extend to others. You will feel, with exalted pleasure, that your feelings can be reconciled with your duty; you will return to your homes with undoubting consciences, and embrace your families with arms unstained by blood; you will leave to your children as their best inheritance, the memory of that just and humane verdict, the record of your honesty, your firmness, and your independence, which will be the pride and glory of your latest posterity, as long as that constitution endures, which is indebted for its life, its health, and its excellence, to the trial by jury.

Mr. Justice Abbott.—Isaac Ludlam, if you wish to say any thing in addition to the observations of your counsel, you are at liberty to do so; and this is the proper time for you to do it.

Isaac Ludlam.—I will leave it to my counsel, my lord.

REPLY.

Mr. Solicitor General.—Gentlemen of the Jury; it now becomes my painful duty to reply to the observations which have been made on the part of the prisoner by his counsel; and to call back your attention from the powerful appeal which has been made to your feelings by my learned friend who last addressed you, to that which you alone have to consider upon the present occasion, the facts and the law as applicable to this case. Your decision is not to be influenced by those feelings which every man must entertain upon an occasion like the present towards the unfortunate prisoner at the bar; nor is your verdict to be affected by any thing which has taken place upon former trials, or by what may succeed the present; your decision is to be formed upon the facts of this particular case, and to those alone your attention will be by me directed.

The situation which I fill upon the present occasion precludes me, even if my inclination were not in unison with my duty, from addressing any topics to you, which can either excite your prejudices or your feelings. To my learned friends who addressed you for the prisoners, that is reserved, and properly so; but to me, the single duty remains of calmly,

temperately, dispassionately, without attempting, as I have already said, to rouse your prejudices or to influence your feelings, addressing what I have to say upon this subject to your understandings, and to your understandings alone.

I had expected, from the discussions which have already at so much length taken place in the course of these trials, that I should not have had the task of addressing you again upon the law of the case; and for a great length of time in the course of this trial, during the whole indeed of the speech of the learned counsel who first spoke to you, and the greater part of my learned friend Mr. Denman's address, I was confirmed in the notion, that the point was at rest, that it would have been perfectly unnecessary for me to say one syllable upon the law as it applies to the charge now preferred against the prisoner at the bar, and that I might confine myself to what I humbly apprehend to be your province and your duty upon the present occasion.

What is the constitution of the trial by jury, of which every Englishman is so proud, and the pre-eminence of which he boasts, over all the legal institutions of other countries? It is, that the prisoner accused of a crime shall be tried by twelve of his fellow-subjects, who are to determine upon the facts; and that the judges of the land, persons of education, of experience, of learning, who have made the law of the country their peculiar study, are to explain that law, and state it to the jury who are assembled, as you are, to decide upon the guilt or innocence of the person accused; but that with the judges, and with them only, shall be confided the exposition of the law upon which those jurymen are to act; and I must confess, that with all that respect which I and every man must entertain for the talents and abilities of my learned friend who last addressed you, and which have been so conspicuously displayed upon the present trials, I was surprised to hear him urge, upon the first trial, and to hear it repeated upon the present, that there is a distinction with respect to the crime of high treason; for such there is, if he be correct—that there is, I say, a distinction in the trial of the offence of high treason, from every other which can be brought before you for your decision; and that, upon that most heinous of all crimes in our penal code, you are to judge, not only of the facts but of the law of the case; I say, I was surprised, because I verily believe it was the first time that such a proposition ever was laid down in a court of justice; it is unconfirmed by any former decision, and unsupported, I will venture to say, by a single authority or writer on the subject. I therefore beg leave to state to you with great humility, but at the same time with the utmost confidence, that I shall be confirmed in what I say by the judges who preside upon this occasion, that that is not the law of the land, but that the crime of high treason is to be tried like every other crime.

you are to hear from the learned judges what in point of law constitutes the offence, and then you are to judge whether the facts proved bring the prisoner's case within that law or not.

My learned friend, in his argument on the law, which he has resumed to day, has stated to you, that the language of the act of parliament is plain with respect to levying war against the king, and that you are the proper persons to judge of the construction of that act of parliament. What authority does my learned friend produce for this? Who, by the constitution of the country, is to expound the meaning of an act of parliament upon any subject? Is it you, who from your situation in life, and from your pursuits and studies, cannot be supposed to understand correctly the laws of the country, or the expositions of acts of parliament; or is it the learned judges of the land? I beg leave to state, that with respect to the construction of this or any act of parliament (if the construction were doubtful which I will shew you that it is not), if this act of parliament, instead of having been passed so many centuries ago, and having received so many decisions upon it, had passed the last session, still you are bound to receive the exposition of it from the learned judges; that you are not yourselves to put the construction upon it, but to receive it from those by whom by the law it is directed to be explained; therefore taking my learned friend's instance, if this was the first case tried upon this act of parliament, you would be bound to receive the construction to be put upon that act, from the judges who preside upon this occasion. But that however is not the fact here; and though my learned friend considers it as a misfortune upon the prisoner at the bar and those to be tried, that this act passed so long ago, and that decisions have taken place which have left no doubt upon the law of the case; yet you, on the contrary, and every one who hears me will, I am sure, congratulate yourselves that this is not the first case, and that the learned judges are not for the first time considering this act of parliament and its construction, but that they have before them decisions upon it, unvaried from their commencement down to the present period, acted upon century after century, till at last the current of decisions is so clear and uniform, that no writer upon the subject entertains the slightest doubt upon it.

Without tiring you or fatiguing the court with citing authorities upon that which has been already so ably laid down in this place, upon the former trials, I will state in the language of a former chief-justice of the King's-bench, that the uniform decision, the decision from the very time this statute has passed down to the present, has been, that an insurrection of the sort (I call it an insurrection) which has taken place in this case, is most certainly and unquestionably high treason within the law as it stands. I will just read

to you a passage from the argument of the chief-justice in the case of Purchase and Damaree, who joined with others in pulling down meeting-houses: "when a multitude is assembled, and force used, not for any private end or revenge, but upon a pretence which is public and general, it has, in all ages, been adjudged a levying war against the crown, and high treason."* I am citing this from the Chief justice's argument and judgment in that case, in the reign of queen Anne; and he states, as you hear, that to have been adjudged in all ages a levying war against the crown, and high treason; and the other learned judges upon that occasion had no doubt upon the law. My learned friend has most ingeniously endeavoured to satisfy you that three of the judges differed in that case from the others; but in what did they differ? not upon the law of the case, but upon the facts found; they doubted whether Purchase had been sufficiently shown to have been privy to the design the other parties had in view, and therefore they doubted, upon the whole, whether he was guilty of the high treason imputed to him; but they had not the least particle of doubt upon the general law, the whole of them concurred, that if he was a party to the transaction, and privy to the views of the others, he was as much guilty of high treason as the rest, for that the law of high treason as applicable to that case was unequivocal and clear.

Then my learned friend has stated that, which as a lawyer I confess I was again surprised at; he stated upon the former occasion, which I then omitted to notice, that it was most clearly a question for the jury; for if it were not why did they find a special verdict in the case of Damaree and Purchase? why, that very circumstance shows, that my learned friend's principle is wrong; he said he did not understand why they found a special verdict, and referred it to the judges for their decision. I will tell him why: it was because they did not consider themselves, and, were not the judges of the law; they said, we will find the facts upon this occasion, because we doubt how far the law may apply to those facts, and had rather that the judges should decide upon the law; and this is not peculiar to high treason; every charge brought before a jury for trial involves a question of law and fact; the law must define what the offence is, and then the jury must decide whether the facts bring the particular case within that principle of law, and if they doubt upon the question, then it has been the practice to refer that question to the learned judges, who are to decide upon that law; for illustration, take a common instance; I dare say many of you have been in the habit of serving upon juries at the assizes; a man is there indicted for burglary; who is to determine what a burglary is? we must refer for that purpose to what the law says shall constitute the offence of burglary, and the judge act-

* 15 How. St. Tr. 699.

ing upon that law, will tell the jury it must be a breaking of the house in the night time, with an intent to commit felony; the judge therefore would say to the jury, such is the offence of burglary; and then he would observe upon the facts proved, and would say, that if the jury were satisfied upon those facts, that the man broke into the house, that he broke into it by night, and with the intent to commit felony, that it would be their duty to convict the man; but the jury, in such a case, are not to act upon their own conception of the law; thus, suppose a question to arise, whether the man broke the house, and it be proved that he thrust his hand through the window (which has been adjudged a breaking); whether that be in law a breaking is a point for the judges to decide, and upon whose opinion, therefore, the jury are bound to act, without considering the consequences which may follow upon their verdict; but upon the fact of the man's putting his hand through the window, the jury are the only judges. I hope I have made the distinction intelligible, and whilst upon this part of the subject, I should observe, that the attorney-general did not, according to my recollection, use the expressions which are imputed to him; he did not tell you that, whether there had been, in point of fact, a levying of war or not, is for the judges; but that, what is a levying of war within the meaning of the act of parliament, is for them to consider, but that then it was for the jury to determine whether the facts brought the case within that law; such was the proposition of the attorney-general; and that proposition I beg leave to maintain as that which is the law of the land, and by which you are to be guided upon the present occasion.

Then, without tiring you with any laborious examination of all the authorities upon the subject (because I cannot help thinking, to use an expression which I have heard in the course of these trials from the highest authority, as much simplicity as possible is desirable, with respect to the statement of the law to you), I venture to state to you, without having recourse to the technical language used upon this indictment, that if there be a rising of a considerable number of persons armed, in order to carry into effect some general public purpose against the government of the country, and against the laws as established in the country, that is high treason. My friend, Mr. Denman, said, why, if a general public purpose is to be the criterion, then, if this country were invaded (I think that was the case he put), and a number of persons were assembled for the public purpose of repelling that invasion, that is high treason. Why really, my learned friend's good sense must have instantly seen the misapplication of his instance; it is to be a public purpose *against* the law and government of the country, whereas, the instance he puts is that, in which they are acting *with* the law, and in *support* of the government. How then does it apply? If you should be satisfied,

after I have commented upon the evidence, that this was a rising to *support* the laws and the government, undoubtedly you are bound to acquit the prisoner; but if the purpose be that, which I am sure I shall be able to satisfy you it was (though, when I say I am sure, do not rely upon that assurance, because you are to decide upon the evidence)—but if I satisfy you, that the purpose was, to arm themselves *against* the constituted authorities of the kingdom, and to effect a change in the laws; I say, that constitutes the offence of high treason, and is nothing short of high treason; and therefore, the only questions as I apprehend upon the present occasion, will be, whether there was this rising, whether the insurgents had that intent, and whether the unfortunate man at the bar concurred in the common object?—Those are the three points which you should keep steadily in view. Has there been a rising of armed persons? what has been the object? has it been against the laws and government of the country? If you can satisfy yourselves upon these two points, upon which I am sure you will entertain no doubt, then I agree with my friend Mr. Cross, who first addressed you, you have that most solemn and important duty imposed upon you to consider, whether the prisoner, Isaac Ludlam, was a party concurring in these objects, and acting with a view to their completion.

In considering this question, I am as anxious as my learned friends can be, that you should consider it with reference to this case, and to this case only. I regret, myself, that any allusion has been made by my friend Mr. Denman, in the way in which he has made it, to the former cases which have been tried. I doubt whether the attorney-general in the fair and candid opening which he made of this case, made the slightest allusion to the convictions which have taken place; unquestionably they are not to operate upon your minds, and I trust they will not; but if they are not to operate to the prejudice of the prisoner at the bar, unquestionably they are not to be used in his favour. The argument is not to be used, that because two persons have been already convicted, if a third case presents itself, in which it is clearly proved that the party against whom the charge is made is guilty, you are therefore to acquit the third prisoner; the consequences to follow upon your verdict, if a verdict of guilty, are in the breasts of other persons, and you have nothing to do with them. It has been said by my learned friend in the outset of his address to you, that it seems public justice is not yet satisfied, and that a third person is now presented to you for trial. The course adopted by my learned friends on the other side, of challenging separately, made it necessary for us to proceed step by step, and to take single individuals for trial; it was impossible for us to try them together, and, therefore, it became necessary that your attention and that of the county should be wearied by taking them singly; when justice will be satis-

fied, it is for other persons to consider. I am sure, that speaking for myself, and for my friend the attorney-general, it is not our wish (indeed, wish we can have none upon the subject), that any greater number of examples, or of convictions should take place, than clearly will satisfy the justice of the case; but we are presenting, as we apprehend, before you, those persons who took the most active part in the transaction, who in many respects were the leaders, if I may use the expression, of this insurrection which took place, and who by their presence, and by their conduct, animated and excited those who were joined with them to the attainment of their object, and endeavoured, as well by their example as by their conduct, to assist in the completion of it. Therefore, do not let your minds be affected by the consideration of any circumstances extraneous to this case; keep your attention steadily and uniformly to the case before you. Complaint, I recollect, was made by my learned friend (who chooses to allude to these things, and therefore forces from me the observation) when the first man was tried, that we had selected the man who was the leader in the transaction, and we were accused of a sort of management of the proceedings upon this occasion in having taken him first. But now, when we come to try another man, that unquestionably is no longer imputed to us, but they say it was the natural course to have taken; and that, inasmuch as the ringleaders, as they are styled by my learned friends, have been already convicted, then you are to guard your minds against proceeding step by step from the stronger to the weaker case, lest you should at last be thereby led to the conviction of a person who had little to do with the transaction. Your province is to try, whether Isaac Ludlam the prisoner at the bar, is guilty, or not, of high treason. Dismiss from your minds the recollection that any former trial has taken place; dismiss from your minds the recollection of Brandreth and William Turner; and recollect that you are trying this person only, and that, whether other persons have been tried, or not, is not to weigh a feather in the scale: you are to determine this case upon its own merits alone, and upon the evidence produced in support of this case, or in answer to it on the part of the prisoner.

Having divested your minds of all prejudice, of all feelings of compassion, except as they are produced by the evidence in the particular case, let us come now to consider, as I trust I shall do, calmly and dispassionately, the evidence produced in this case; and if I am betrayed into any apparent warmth upon the occasion, believe me that I have no object whatever, but that public justice should be done. It is not my wish that one fact should be strained, one inference drawn against the prisoner at the bar, except as it is fairly and legitimately warranted by the evidence which has been given. Then what are the questions which you have to try? First, was there a rising? the

fact is not disputed, it is admitted; indeed it has been proved by such overwhelming evidence, that no man alive can doubt about it; that on the night of the 9th of June there were considerable bodies of armed men acting in concert, forcing arms from the houses of the persons they attacked, compelling men into their ranks, and all proceeding with one common object towards Nottingham; that is a fact which cannot be disputed; nor is it attempted to be so. What was their object? Have you any doubt about that? Have you any doubt that at the meeting on Sunday the 8th of June, at the White horse, this rising was in contemplation, that preparations were made for it, and that the object was, to overturn the present government? the evidence on this point of intention, is not confined to the meeting which took place on Sunday the 8th of June, for you have declarations made from time to time in the course of their progress, that such was their object, and that they expected success in taking possession of the town of Nottingham.

If such be the rising and such the object, then we come to the part Isaac Ludlam took in this transaction; and here bear in mind the defence attempted to be made for him; there is not a single witness to contradict any fact we have proved; it is therefore clear he was in that body, and acting with that body, as I shall by and by show to you; then what is the defence attempted to be made? bear that in mind, and then follow me in the facts proved upon this occasion. My friend, Mr. Cross, puts his defence upon the ground of compulsion; Mr. Denman says it was either compulsion or fatherly affection which induced him to follow this party, in order to draw from it, as soon as he possibly could, those two unfortunate young men his sons, who it appears also took a part in the transaction; therefore the defence set up is, either compulsion or paternal affection. Would to God they could have proved either upon this occasion, because I am sure it would have been a most satisfactory conclusion for you to have arrived at, if you could with honest minds, and in a faithful discharge of your duty, have acquitted the prisoner at the bar of the present charge. Now let us see how the facts stand, and whether it is possible to contend that either the one motive or the other actuated the mind of the prisoner at the bar in the part which he took in these transactions.

On Sunday the 8th of June there is a meeting at the White horse at Pentridge, at which Brandreth, William Turner, and many other of the persons whose names you have heard in the course of this trial, met. You have heard many observations upon the testimony given by the two witnesses who have proved that transaction; it will be for you certainly to consider the weight which is due to them. I must confess it appears to me that little or no inroad whatever has been made upon their credit by the observations which have been made; and I could not help observing (but it will happen

to us all when we are arguing untenable points) the difficulties by which my learned friend Mr. Denman was pressed in arguing that question; he says, if they spoke truly we might have confirmed them, and that they on the prisoner's side could not contradict them, in any part, because, he says, all the persons who were present at that transaction are named in this indictment, and therefore they are precluded from calling them; and yet in the very same breath he told you that we had an opportunity of calling Cope, Booth, and Elsdon. He has also the opportunity of calling them if he pleases, and yet he does not choose to do it. My friend says, he has not a possibility of calling any witnesses to contradict the facts, and yet those persons are competent witnesses. Mrs. Weightman, who keeps the house, is a competent witness; I know not what family she has; there is a little girl mentioned; those persons might have been called to contradict Martin and Asbury, if they could have been contradicted; and they are not called.

My friend says, why did you not call some of those persons to confirm them? I will tell you why; because if two witnesses prove a fact satisfactorily, it would be—I was going to use my friend's own expression ridiculous—it would be vain, to prove it further. We might have called all the persons whose houses were attacked, and every person who knew anything of the transaction, and your time might have been occupied much longer in hearing these facts proved over and over again; but we did not consider that consistent with our duty. I assume then as a fact, proved by Martin and Asbury, that Isaac Ludlam was at that meeting, because they do not venture to call any body, not even Mrs. Weightman, to contradict it. I say, therefore, that fact is perfectly clear; and when a fact is proved by positive testimony it receives still further confirmation, if it could be contradicted and is not attempted to be so; a fact proved by two witnesses which could be contradicted if it does not exist, receives confirmation from no attempt being made to offer such contradiction.

Isaac Ludlam, it appears, went to this meeting in company with William Turner; and you will please to recollect they are both South-wingfield men. What object had he in going there? was his going there accidental? did he appear to be unacquainted with the object? did he appear surprised at finding Brandreth, who was a stranger to that part of the country, there? was he a stranger to him upon that occasion? and when we are told some other persons might have sent Brandreth, I say that the evidence shows that these persons, in the prosecution of their designs had recourse to this man Brandreth, to head them upon this occasion, knowing him to be of the character which has been described.

Not only is Isaac Ludlam there, but what does he do when he is there? You have inquiries made from Turner as to the state of arms in the neighbouring parishes, and he boasts of

the forward manner in which the South-wingfield men are conducting themselves, Ludlam himself being a South-wingfield man, making no comment or observation upon that, and therefore admitting in fact that the South-wingfield men, of whom he was one, were thus ready and forward, procuring pike shafts in the open day, which has been proved in evidence to have been done by persons nearly connected with the prisoner, namely his sons. The prisoner is a man whose faculties are matured, does he remonstrate against what is going forward? does he say, this is a most improper meeting, I will have nothing to do with it; I will not enter into the scheme or the plan, nor shall my sons? remember however that neither of his sons was there, those sons who were supposed to have entered without the consent of their father, and for whose protection he is supposed to have followed; it is the father alone who is there, and who reads the paper produced by Turner; and what is the deliberation upon that occasion? it is, that they are to rise the next night. It is also stated that pikes are prepared, which are in a stone quarry near Ludlam's house. What were pikes prepared for? if this was an enterprise which had just come into the heads of these persons who were there, how came this preparation? It was, that they might arm the persons who were to accompany them on the following night, and terrify other innocent persons into their ranks, that they might create terror as well by their arms as by the number that might accompany them.

Can you doubt the object of that meeting? My friend has made some observations upon the verses recited; which indeed are most important, for they shew to demonstration what was the object they had in view; it was to animate the persons assembled to an opposition to the government, which fortunately still exists; for the concluding lines are,—

“The time is come you plainly see,
When government opposed must be.”

And what are the first lines,

“Every man his skill must try,
He must turn out and not deny;”—

He shall not refuse his assistance, and we will compel him to turn out; and upon that they afterwards act.

“No bloody soldiers must he dread;—”

And therefore they were to prepare themselves for an opposition to the king's troops, and for that warfare in which they must necessarily be engaged the moment they were opposed by the troops.

“He must turn out and fight for bread:—”

Such was the language to be used to induce persons to enter the ranks: but, was that the inducement to this prisoner at the bar? had he to fight for bread? have you not in evidence that he was carrying on the occupation of a stone-getter? and have you any proof that he was in want of bread, or that he had suffered

those privations under which so many of the lower classes unfortunately laboured during the last winter? No; but this was the argument, the incentive to be held out to those persons who had been suffering those privations, to induce them to join, and to carry into effect those plans which persons having no such pressure upon them were actually contemplating.

"The time is come you plainly see,
When government opposed must be:"—

Those were the lines which were recited by Brandreth, and which were handed about the room in the way which has been described; have you then the least particle of doubt that they were conspiring at that time to rise the next night to carry into effect the purpose they plainly declared upon this occasion? But not only does that purpose appear by the verses, but by the various declarations made, "that no good was to be expected from the government;" "that good could be alone expected from a revolution and a change of affairs," and the like; such was the language used both before and after Isaac Ludlam was there.

The scheme was, that they should direct their march to Nottingham Forest: they were told by Brandreth, that persons were to be there to meet them; and that persons would come from Chesterfield and places in the North, to unite with them; and a fact took place which shows Nottingham was their object, for Joseph Weightman was despatched from this meeting, and money was collected to bear his expenses to go to Nottingham, and to see whether the people were prepared to receive them on the following night. Are these facts attempted to be contradicted? If Ludlam was not there, and did not concur in these transactions, I say, the evidence of the people in the house might have contradicted it; and if Ludlam was not there, he might have shewn by other testimony where he was. If he had been (I know not anything of his character) but if he had been in a place of public worship; if he had been attending that duty, instead of coming to this meeting in the afternoon, that might have been proved; if he had been at home, that also might have been proved by some one or other of his family, and therefore it must, I think, be taken as proved beyond the possibility of a doubt, that he was in that room, and that he took part in the discussions. Mr. Denman said, indeed, that they could not call Mrs. Weightman, since the fact was probably that Ludlam was at her house, and that he might have gone there for the purpose of taking his beer; but she might have proved that Brandreth and the other persons were not assembled in the parlour; and that it was a fabrication that there was such an assembly of persons at her house during that day; and therefore her absence confirms the testimony of Martin and Asbury upon this occasion; and nothing which has been said, in my mind, weakens the strength of their evidence.

It is said, however, they were special con-

stables; and why did not they impart this to their masters? Why, gentlemen, you have it proved, that public as this meeting was for the reception of their friends, the persons introduced into this parlour, and invited to join, were either persons who were their friends, or on whom they thought their threats could have an effect; and these two persons who had been sworn in on the night of Saturday preceding the riot, were sworn in, in expectation of a riot at the Butterley works on Monday; which shows that it was believed such a rising would take place on the Monday, or at some other time. Then, with respect to these persons, Martin and Asbury, they certainly did not, as my learned friend stated to you in his opening, conduct themselves as you or I should have done under similar circumstances; but when you recollect the circumstances in which they were, and the threats that were used; when you recollect that they knew that their masters were prepared for the attack, I say it is not at all unnatural that they should not communicate this. You heard them exanined; you saw their demeanor, and it is for you to judge whether there is anything in their evidence or in their manner at all impeaching the testimony they have given, as to the transactions at the White-horse.

Then, was Isaac Ludlam compelled to go to the White-horse on the Sunday? was compulsion exercised upon him when he read that paper produced by William Turner? was it paternal affection to prevent his sons taking a part in this business; they were not there; it was he, and he alone; and yet he is supposed by Mr. Denman to have acted throughout from compulsion, or from paternal affection, to prevent his sons engaging in this matter, as they afterwards did.

But, if this acted upon him on the Sunday, what operated upon him on the Monday night? compulsion? Is it in proof that this party ever was near his house to compel him? did they go to Isaac Ludlam's house, as they did to Elijah Hall's, knock him up, insist upon his arms, and insist upon it that if he did not go, his sons should accompany them? nay, more, what arms had he upon that occasion? had Isaac Ludlam a pistol or a gun, which they had forced him to take from his house in order to accompany them? No; the very first time himself and his sons are seen, they are seen apart from anybody of the conspirators; they are coming by themselves to Topham's close, and there join the party; and with what arms? with pikes; those pikes which it had been boasted the day before, at the meeting at the White-horse, had been in preparation by the South-wingfield people; and for which they had the hardihood to procure shafts in open day: those deadly instruments which you saw. But the strong observation I am making is this; if there had been compulsion and force to compel him to join this party, how is it that he joined them at a distance from his own house, at a time when no attack had been

made upon it; at a period when, for aught that has been proved (and if the fact were otherwise it could have been proved) the party had never been near his house that evening; and he is seen, as it is contended, coming with his two sons; those sons whom he anxiously wished to quit the party, and whom he followed in order to prevent their committing anything which might subject them to future punishment. Yet, to guard and protect these sons; Isaac Ludlam comes armed with one of those instruments they had provided. Common sense cannot endure the observation; it was evidently neither compulsion nor paternal affection that induced him to join the party.

But as we proceed in the progress of that march which those persons made that night, the supposition becomes still more preposterous; for when I come to point your attention, as it will be my duty to do, to the different facts as they took place that night, and the conduct of Isaac Ludlam, there is an end to all notion of compulsion, and to every other motive except the participation in the common design of marching to Nottingham for the purpose of opposing the present government, and of overturning it, if they could by possibility effect it. In the march, when they compelled persons to join them, they took care to have some of their partizans in the rear, to prevent any from making their escape, and Isaac Ludlam was appointed one of the rear-guard; for such was the expression used by one of the witnesses; he was the right-hand man of the rear-guard, for the purpose of preventing the escape of any persons whom they forced into their ranks.

After he had joined them in Topham's close, with his two sons, they proceeded to Elijah Hall's; there you will recollect what took place; and my learned friend said, he would take that as an instance and test by which Isaac Ludlam was to be tried upon this occasion. He says (and I unquestionably concur with him) you must be satisfied that the mind of the prisoner went along with his conduct. He says, Elijah Hall walked with them with a pike in his hand, and if he had been taken prisoner while marching with them, the case would have been proved apparently against him. Undoubtedly, the single act of his marching with them, and having a pike in his hand, *prima facie* and unexplained, would have fixed him with the crime of high treason; but what is the fact as it appears with respect to Hall? why, that he was forced into the ranks; that nothing but the danger to which he was exposed compelled him to go with them; if that is the case with Isaac Ludlam, he is not guilty of this offence; but I put the case to you (and you must see that the whole evidence points that way) that he went voluntarily; that no compulsion was used; and that when he had gone, he was the most active of the party, with the exception of William Turner and the captain who led them; that he was in the most important situation, namely,

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in the rear of those who marched; and that it was his part in the transaction, to keep the insurgents together in their places in their march.

They next went to Isaac Walker's, and Bestwick's, and so on; and then there is that which my learned friend did not wish to introduce upon this occasion, but which we must introduce, I mean the unfortunate death of that young man Robert Walters. The prisoner Isaac Ludlam was there. If paternal affection or compulsion had led him there, what induced him to proceed, when he found that where threats would not have the effect of compelling persons to bring their arms, the captain had recourse to actual murder? why did he not then recede from the party? but so far from retiring from them, you will find that he afterwards takes an active part in compelling a person of the name of Dexter, and a person of the name of Hugh Booth, to join them, and that too by the recital of the horrible act which had been just before committed.

They marched on from Mary Hephworth's and came to Pentridge-lane; and there one party halted, while another went down to Buckland Hollow to compel Dexter to join their ranks; who was of that party that went down to Buckland Hollow? the prisoner Isaac Ludlam. Dexter was compelled by them, in the manner you have heard described, to join their ranks, and he happens to have been very near to Isaac Ludlam in the course of their march. Recollect what it was that Isaac Ludlam said upon that occasion. Mr. Denman says, that the attorney-general in his opening laid too much stress upon the circumstance of this man's two sons being of the party, as shewing his concurrence and his activity in the prosecution of the design. Why, you have evidence of it, you have the evidence of what he said to Dexter upon that occasion, which shews, that so far from those two sons of his having gone against his consent, and acted against his parental authority in joining that party, almost the first expression he uses to Dexter is, that he has two sons of the party; in order to induce Dexter to join them, by shewing what strength they had, and with what zeal and activity he was proceeding; "that they were going to Nottingham; that there was a parliament chosen against they got there; and that he expected it would be taken by the time they got there; he then proceeds in the rear, and there is no obstacle whatever to prevent his escape, for he might have departed at any time, without being seen by the captain or William Turner, or any other person in the front of the body; but instead of doing so, he himself presents, with those persons who composed with him the rear-guard, the principal obstacle to the escape of those who desired to get away; he was the only person, with his companions the rear-guard, who actually prevented the design of those wishing to escape from being carried into effect. Dexter told you that he attempted to escape in his way up

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Pentridge, and what prevented him? who was the person that hindered his escape from this party, by whom murder and devastation had been already committed, and who were in full march towards Nottingham, to execute the purpose which, it appears, not only from the conversation at the White-horse, but from the expressions of this prisoner himself to Dexter, that they had in view? Dexter says, "I stopped behind going along Pentridge-lane, and the prisoner said, 'Come, we must have you forward; you must go on with us; you must not stop; we must have you with us;'" his act and his expression therefore, upon that occasion, shew he was fulfilling the duty to which he was appointed, to the utmost of his exertions, and he actually prevented Dexter from escaping, and compelled him to march on. Dexter had afterwards an opportunity of escape, and instantly embraced it; but there was nothing in the whole progress of this march, which prevented Isaac Ludlam's retiring at any time, but he went on acting throughout. His position you must never forget: he is, from the very time he joins them, from first to last, in the rear of this body.

They then proceed towards Pentridge; and in Pentridge or in Pentridge-lane, Hugh Booth is compelled to join them. You recollect the opposition he made at the time the house was attacked; he came down to them; he expostulated with them, and was actually forced into the ranks by the prisoner, Isaac Ludlam. What! Isaac Ludlam, who was acting from compulsion! Isaac Ludlam, who was merely accompanying these parties for the purpose of protecting his sons, and of withdrawing them from the expedition in which they had embarked! This Isaac Ludlam is one of the most active of the whole party, and actually forces Hugh Booth into the ranks; and upon that occasion used an expression, which (if there were any thing wanting in the case) demonstrates that this expedition had been long in his contemplation; for he expresses his satisfaction that it is brought to a head at last. "We are going to Nottingham; it is brought to a head at last!" What is brought to a head at last? what is it he exults in? it is, that the insurrection had actually broken out, and that he was himself accompanying it; that this favourite object, which he had long in view, was actually brought to a head. "It is at last brought to a head, and we are going to Nottingham!" Such is the expression of Isaac Ludlam to Hugh Booth, at the time he is forcing him into the ranks; and after this, may I not ask whether this man was not willingly and voluntarily engaged in this transaction? if there were nothing else in the case, this very circumstance proves the active and willing part he took in the transaction; it is decisive evidence of the active mind and the willing consent of this man to the plan; and that it was a thing which he had not embarked in for the first time that night, but which he had long meditated, and to him it

was matter of satisfaction that it was at last brought to a head, and that he was accompanying them in a scheme which had been so long in contemplation.

Hugh Booth goes on with them to another and most important scene, as it affects the prisoner at the bar; I mean to the Butterley works, where they are accosted by Mr. Goodwin. You will recollect the account given by Mr. Goodwin of that transaction; Isaac Ludlam was still in the rear; he is the last man in the ranks, and therefore with him, as I have so often observed, there was no difficulty of escape, nothing to encounter in order to enable him to evade the party, with whom he was at that time marching. Would to God he had followed Mr. Goodwin's advice; it is true, he had then completed his offence, and had been guilty of high treason; but still, if he had then taken the advice of Mr. Goodwin, he would have shown that which never comes too late—he would have evinced some repentance and contrition for the offence of which he had been guilty, and in which he was a participator. Mr. Goodwin points out to him the consequences, so that this is not a man ignorant of what might follow; he knows that if their expedition shall fail, and government shall not be overturned, he has committed the heaviest offence a subject can commit against the state; he has all this set before him; he has it presented to his view by Mr. Goodwin; but his answer is, "No, no, I cannot go back; I am as bad as I can be, I must go on." No, gentlemen, he was not as bad as he could be; he might have been worse, and became worse in the subsequent part of the transaction; for that subsequent part will show, that so far from this expostulation having any effect upon him, it soon evaporated from his mind. Mr. Goodwin said to him, "Good God, Isaac, what do you do here upon such an errand as this; go home, you have got a halter about your neck, you will be hanged if you do not leave them and go home." With all this before him, mark his conduct in the subsequent part of the transaction; and indeed, what was his conduct there? what prevented his going into Mr. Goodwin's office, where he would have been protected? Mr. Goodwin actually gave him a shove to go forwards; he knew that the Butterley works were armed, for George Weightman said that they expected an engagement there; the knowledge of that fact shows why they did not attack them; he knew that there was a protection there, but his answer is, "No, no, I cannot go back; I am as bad as I can be, I must go on;" and go on he does. Why then, gentlemen, not only has this man voluntarily gone with this party from the outset; not only has he accompanied them with his free-will, but when he has an opportunity afforded him, when he might have receded and escaped, he declines the offer; he pursues the object with the rest of the party, and he takes a prominent part, a sort of military duty, as connected

with this unfortunate transaction; and you will find presently what he does when they come to an inn at Codnor, some hours after this interview with Mr. Goodwin had taken place.

He proceeds with the party as far as Codnor; where you will recollect, it being a rainy night, and they having marched several miles, many of them went into a public-house called the Glass-house, to take refreshment; upon this rainy night, where is Isaac Ludlam after this march? did he go in to take refreshment? No, he had another duty assigned him, and he himself proposed that duty; for it is proved by William Booth (not the Booth who made his escape at Codnor, but William Booth, who had also been compelled to follow them), that Isaac Ludlam himself addressed the captain, saying, "we must take care the men do not get away, and we must keep guard at the door, or they will go." Such was the conduct of Isaac Ludlam; true and faithful was he to that duty which he conceived he owed to this party, but faithless to the higher duty which he owed to his country; he takes upon himself this duty; he stands at the door to prevent the escape of any of those persons whom they had compelled to embark in this transaction, and (which is very material) though he had been previously armed with a pike, yet while guarding this door, he is provided with a more deadly instrument and a more effectual one for the purpose with which he was entrusted; he has a gun, keeping guard as a sentinel at the door, in order to prevent the escape of any of those who had unwillingly accompanied them, and who were desirous, if they could, to have made their escape, and not to have proceeded any further.

Then, after these facts are proved by testimony not attempted to be contradicted, what becomes of the reasons assigned by my learned friends; the one, that he acted from compulsion, and the other, that he followed, from the duty he owed to his sons, to endeavour to prevail upon them to depart from this party which they had accompanied? Does he ever remonstrate with his sons? does he ever say to them, "Oh! you are embarking in a transaction which, if successful, is against the laws of your country; but which, if unsuccessful, will bring you to an ignominious end; I exhort you, as you regard your safety and my feelings, depart from this assembly of people?" Not a word of the kind, but on the contrary, he appears to glory in the thing; do not think I am using too strong an expression, it is for you to say what effect you give to his words, at the time he said to Dexter "his sons were with him."

Then as to compulsion; you will recollect that he was first seen at a distance from his house, at which this party never could have been at all; recollect the manner in which he was armed when first seen, that he has a pike, which had been prepared for the very purpose of the insurrection; recollect the manner in

which he marched, from the beginning to the end of their progress, that he was always in the rear, and never attempted to escape; recollect the exhortation he received from Mr. Goodwin, when he might have withdrawn from the party with ease, and his declining that opportunity; but recollect above all, that after that, when at Codnor, when in expectation that some of these persons may escape from the party, he was the very person to propose the guarding the door, and that he actually took upon himself the performance of that office, and thereby prevented persons escaping, who would have been otherwise inclined to do so.

Then, gentlemen, addressing you as men of sense and men of integrity, can you doubt that the three points I stated for your consideration, are distinctly and clearly proved? have you any doubt that there was a rising and insurrection? have you any doubt that their object in that rising and insurrection, was to proceed to Nottingham, for the purpose of overturning the government? And here attend to what was taking place at that time at Nottingham; the object of the party from Pentridge was, to go to Nottingham, to join a large body of men in the Forest, and to take Nottingham; it is in proof that on that very night, a considerable body of men assembled at the Forest at Nottingham, some of them armed with pikes like these men, and threatened to attack the house of Roper, to get his fire arms; but at the hour of three, finding these men did not come up, having been delayed in procuring arms, they dispersed; but at that very important period of time, at Nottingham, was carrying on that very design which at Pentridge, at Ripley, and at other places, was also at that time in prosecution.

I will not fatigue you with further observations upon the general object of their march; upon the preparation of bullets, which were taken possession of by Mr. Goodwin; or by stating George Weightman's being despatched on the way to Nottingham for tidings; of his return, and the false account he gave; all this goes to the general plan and purpose, which has hardly been attempted to be denied, even in argument, certainly not attempted to be disputed by proof. Then as to the prisoner at the bar, I have enumerated the particular facts which affect him, and I think that these facts, so proved, can leave no doubt upon your minds that he was a party in the transaction, and that he was concurring in the common object and design; if so the whole charge as exhibited upon this indictment, is made out against him. And here allow me to repeat what I stated in the outset; let not any considerations weigh with you, except that duty which is now cast upon you, namely, the investigation of the case of the prisoner Isaac Ludlam, as it respects the offence imputed to him; do not be led away by any false feeling that a verdict of acquittal, contrary to the evidence, can be consistent with your duty, or can prevent you

they were armed in the same way as we were. Joseph Weightman the younger, Thomas Weightman, Benjamin Taylor, Joseph Taylor, and James Taylor, were of that party; we went forward to the lane end. I did not go to any body's house, but a party went to Wheatcroft's, at Buckland Hollow; I heard a disturbance; they appeared to be thundering at doors." There is afterwards a witness called from Buckland Hollow, who states what actually passed there. "At Pentridge-lane-end I heard them rattling at folk's houses, and calling them up; we went to Pentridge from thence; as we were going along, the captain asked whether there were any men who had been soldiers, or in the militia, or knew discipline; that if there were any, they must turn out and keep the men in order; Charles Swaine turned out, and the men were put in rank by Brandreth, William Turner, and Charles Swaine; William Booth's was one of the houses that they went to; a pony was taken from thence; I saw George Weightman with it at the yard gate; he asked me to give Storer a leg on; Storer pretended to be ill; I understood in the party he was one of the persons that had been taken out of his house; he did not remain on long; he tumbled off, and lay in the street; we were then marched to Butterley Furnace. Mr. Goodwin came out to us; I heard him say something to Brandreth, but could not hear what it was; we were then marched to Ripley-town-end; there Brandreth ordered us to halt and give three buzzas; we did so, but I do not know for what purpose; we were then marched to Codnor, and there we stopped at a public-house called the Glass-house; Brandreth went to the door and knocked, and called the people up, and ordered them to fill some drink for us; drink was supplied to the amount of eight-and-twenty shillings; I went into the parlour, but I cannot say who else went in; from thence we marched on to Langley-mill; before we got there, three men were fetched out of a barn; I did not see them forced out, they were taken with us; when we got to Langley-mill we met George Weightman upon the pony I had helped Storer upon; the party surrounded him, and asked how they were going on at Nottingham; he said they were going on very well, the town was taken, and the soldiers would not come out of their barracks, and we must march forwards as fast as we could; we marched on; I went with them two or three miles beyond Eastwood, and there I left them; when I left them, very few were marching on towards Nottingham; I do not recollect seeing the prisoner after we were at Mrs. Hepworth's yard;" but it seems other witnesses speak to seeing him later than that. "I left them between nine and ten in the morning; I do not recollect anybody but Brandreth saying where we were going to; I had a pike, as I went along with them; it was given me by Samuel Ludlam, when I gave him the bullets, he afterwards parted with the bullets to George Weightman."

On his cross-examination, he says, "Brandreth said before we started, that we were going to Nottingham-forest; I do not know that he said that more than once; the prisoner joined us after that; I do not know the age of his two sons; they are both grown men." This witness details a great number of acts of violence and outrage committed by these parties; great crimes committed by many of them; crimes, however, which, unless their object was that which has been stated to you so often, would not amount to high treason.

The next witness is Henry Tomlinson, who is a farmer at South-wingfield-park. He says, "On the night of the 9th of June, about half past nine, or a quarter before ten, a party of between thirty and forty men came to my house armed with guns and spikes; I went up to the door, and asked what they wanted; they said they wanted me and my gun; I told them they must have neither; they said they would; I told them the gun was gone to Ashover to be mended; they said if I did not open the door they would break it, and find my gun, or else they would search my house; I opened the door; I saw William Turner and Brandreth; they entered the house, and also William Barker; I said to Turner, 'Well, William, are you here,' and he answered, 'yes'; 'are you one of them?' - 'yes.' I used the same expressions to Barker also, and had the same answer; I went into the house with them, and when I came out, the captain said I must go with them; I told him I would not; he said I must, I had better go to-night than stop till the morning, for there was a great gang coming from Sheffield, and a great cloud coming out of the north that would sweep all before them; I told them I would not go; he presented his gun, and swore he would shoot me; he said they were going to Nottingham; they were to be there by half-past eight or nine, as I understood; he said we should not need to go further than Nottingham, for London would be taken before they got there; at last they forced me to go; I wanted to carry my own gun, but the captain would not let me; he said that I must carry a spike, and a spike was put into my hand; I got away from them soon; George Weightman bade me give him my spike, and he let me go back again; I said to him it was a very lonesome place to leave my wife by herself; and he said I should go a little way, and then turn back again; I went with them about three hundred yards; George Weightman took the spike from me, and suffered me to go back, and they marched right forwards towards Nottingham."

The next witness is Elijah Hall, senior, a farmer and miller at South-wingfield-park. He says, "on Monday night the 9th of June, I got home about eleven o'clock from the mill; the door was fastened," that is after he got in the door was fastened; "then I heard the footsteps of two men on the outside; one of them asked whether any men had been there that night; I said, yes; they asked whether they

had taken any guns, and I said yes." He said this evidently to get rid of them, to make them believe he had received a visit from others before. "After that they went away; a few minutes after they were gone I opened the door; I did not see anybody immediately on opening the door, but soon after I saw people come into the yard; about thirty of them; I was then not ten yards from my door; they were armed with pikes and guns, and one of them had a sword; I asked what they wanted at that time of night; they said they wanted fire-arms; some said they wanted a bigger loaf and the times altered; I told them it was not in my power to do either; I also told them I had no fire-arms for them. Whilst we were talking, some person within fastened the door; when I said I had no fire-arms, they said they knew I had, and demanded them; they said I had better deliver them up quietly, to prevent further mischief, and my house from being fired. About the same time a gun was fired about half a mile off, in the direction of Fritchley; after the gun was fired, they again demanded arms, and began to force the door; then a gun was given to them through the window, and I told them I hoped they would go away, as they had promised at first they would do; they said I must go with them: I said I would not; and some of them then said, he has sons, we will take them; upon this the captain;" that is Brandreth, "said, if he has sons we will not take the old man; then they desired me to open the door and fetch my sons out; I told them I was outside as well as they, and therefore I could not do it; then they ordered me to command it to be opened," he being the master had a right to command it, "and on my refusal, they began to force it; some of them said, 'captain, how must it be,' after they had made several fruitless attempts, he said 'blow it in pieces;' upon that" he says, "the door was opened by some one within, and about a dozen or more went in; and the captain and myself also went in. The captain ordered me to fetch my sons out of bed; I told him I would not; he said, 'if you do not, I will blow your brains out;' he had a gun, and he gave me two thrusts in the side with the muzzle of it; and presented it at me; Thomas Turner cried out, do not shoot." Thomas Turner had perhaps gone with them willingly, but he appears upon this and on one other occasion, I think, to have acted in such a way as to entitle him to a merciful consideration, which is probably the reason you see him here as a witness and not as a prisoner. Then he says, "the captain then took a candle from some person in the house, and lighted it at the fire, and he and several other persons went up stairs into the bed-room where my sons slept; I heard a great noise; I heard some person threaten to hash them up if they would not get up; they brought my son Elijah into the house-place, partly dressed, he finished dressing when he came down; I asked the captain"—who is their leader, and may be supposed to speak their sentiments, if you find

them in any measure concurring with him—"where he was going to take my son—he said he was going to Nottingham, that he believed Nottingham was given up at that time, that there was a general rising throughout the country; from whence their object was to go to London to wipe of the national debt, and begin again afresh;" that is, to overturn the whole government of the country. "I saw the prisoner at the bar among the party outside the house;" the prisoner therefore was outside and not inside; "I saw inside the house Isaac Ludlam the younger, his son William Ludlam, Manchester Turner, Robert Turner, John Walker, William Walker, and Thomas Turner. I asked the party, did they know the consequences of what they were doing? they said they knew the consequences, it was hanging what they had done already; they were determined to go on; I do not know which of them it was that said this."

Then, on his cross-examination, he says, "It was the party inside the house who said they were determined to go on; the prisoner was outside; there was light enough outside the house to enable me to distinguish him;" so that he was not present when the language was uttered.

Elijah Hall, junior, says, "I heard the people outside the house, and afterwards in the inside; while they were outside, a gun was given them out of the window of my room; after they had got into the house, several of them came up into my bed-room, and demanded me to get out of my bed, and go along with them. Brandreth was one of them. They told me they could not wait of me, I must make haste; I got up and partly dressed myself in the room; I then went down. They had threatened to murder me if I did not get up. I finished my dressing below stairs, and went with them; they compelled me; I asked one of them where they were going to, I do not know who it was; he told me they were going to Nottingham, to meet a great party of other men on the race-course; they were going to break the laws and pull down the parliament-house; they told me I was to have a deal of money when I got to Nottingham, that there would be one hundred pounds for every man that got there; after we left the house we went first to Isaac Walker's; a gun and a pistol were got there; then we went to Bestwick's: there they got a gun; from thence we went to Samuel Hunt's, at the lodge, in Southwingfield-park; I was not there at the first; when I got there they were in the house, and a servant girl or Samuel Hunt was bringing out the bread and cheese, and they had some table beer to drink with it; we did not stop long; Samuel Hunt went with us from thence, and his man Daniel Hunt; Daniel Hunt took a gun with him; Isaac Ludlam, the prisoner, was of the party at each of those places;" so that he was with the party and acted with them on many of the occurrences which took place; "we went next to Mrs. Hepworth's; they made a

great disturbance at the kitchen door; the family got up and asked what they wanted; they said they wanted men and guns; they were told they should have neither there; some went to the kitchen window, and broke it open, and a gun was fired off by the Nottingham captain into the kitchen, and Robert Walters was shot by it. I did not see the prisoner at the present time when the gun was fired, but I saw him before we left the house in the back yard; I was about the house only a few minutes; after the shot was fired, they demanded Mrs. Hepworth's gun, and it was given to them; then they went away to Pentridge lane-end, and attacked some houses there; some went from thence to Buckland Hollow; I heard them thunder at the door there, at Wheatcroft's; then they returned again, and then we went up to Pentridge, where they attacked several houses; while they were attacking those houses I made my escape from them and returned home."

Isaac Walker, who is a person who had been before mentioned, says, that he lives at Wingfield, and is a farmer there; he says, "About half past eleven o'clock on Monday night the 9th of June, I was disturbed by a dog barking; I got up and went to the window; I saw a parcel of men coming up the yard, about forty in number, armed with pikes and guns; they came to the front door and demanded entrance; I asked them what for; they said they wanted my fire arms; I asked them what they wanted them for, and they said that was no business of mine, they were determined to have them; they demanded a gun and a brace of pistols; I said I had a gun but I had no pistols; some person presented a piece at my bed-room window, and said he would fire at me if I did not immediately open the door; upon that I went and opened the door; some person told him not to fire, but to give me time to put my clothes on, and I took the gun down and gave it them, and they went away; I was going up stairs when I heard them rattle at the door again; I opened the door, and they said they knew I had one pistol if not two;"—they seem to have obtained pretty good intelligence what arms the Wingfield people had; here is a Wingfield man, and it appears from the testimony of the two first witnesses, that William Turner produced, and the prisoner read, a paper containing an account of the arms which the Wingfield people had, and where they were to be found;—"they said they knew I had one, and they were determined to have that and all; they demanded a servant man also; I told them I had none; they said they knew I had, and they would have him; I again said I had none, and they went away; I gave them the pistol; it was a brass-barrelled pistol; the prisoner was there, I knew him before; I saw him under the window a little to my right hand;"—he speaks therefore to the prisoner being one of those concerned in this violence and outrage committed at the house.

Mary Hepworth is next called: she says,

"I have a farm at South-wingfield-park; I was disturbed between eleven and twelve o'clock on the night of the 9th of June; I and my family were in bed at the time, two servant men, Fox and Walters, my son William, and two daughters, composed my family; we were disturbed by a thundering at the door; I got up immediately; they demanded men; I went down stairs and stood in the kitchen; they kept up a noise at the door and the window, and demanded men and guns; I went up stairs again; somebody had opened the window; I told them from the window that they should not have any; I said that they were doing very wrong; I then went down stairs again; the kitchen window was broken open, and Robert Walters was immediately shot; he was sitting down, stooping as if putting on his boots; he lived for about ten minutes; they then called out again for men and guns; I told them I could not let them have them; the gun had been hid in the cellar, and I told my son William to give it or we should all be murdered; he gave it to them; they still said they must have a man; I went up stairs and said to them, one man has been shot already, is not that sufficient for you? upon this remonstrance they proceeded no further, but went away."

Henry Hole says, "On the 9th of June last I was a labourer at Pentridge-lane-end; I was disturbed about twenty minutes before twelve; I got up and went to the window, and asked who is there, what do you want; we want you to volunteer yourself to go with us, or else we will break the door open and murder you; I went down and opened the door; I saw four men, Joseph Weightman and Joseph Topham were two of them; I asked them where they were going, they said to Nottingham. I said, if they were going to Nottingham, I could not pretend to go with them, for I had no money to carry me there, nor I had no money to take care of my family while I was gone; they said, I needed no money, they should keep me on roast beef and ale; and there were people fixed to take care of every body's families that would come in two days or under." It should seem, according to the testimony of the first witnesses, that they were convinced of the certainty of success of this enterprise, and they said to this man that persons would come in two days at the farthest:—"they said, I had better go that night; that they would come out of Yorkshire like a cloud, and would carry all before them; and those that refused to go would all be shot; I dressed myself and went out; a pike was forced upon me; I carried it a little way, and then said if they were going to Nottingham I was not able to carry it, it was so heavy, and if they did not take it I should throw it down, and I did throw it down; then I went on to John Sellars's, and I saw him and his apprentice coming from his door; I heard some others coming over the meadow from towards Mrs. Hepworth's; they joined us at Mr. Fletcher's;

I saw Brandreth there, and William Turner, Manchester Turner, the prisoner, William Ludlam, Joseph Weightman, Joseph Topham, and Samuel Hunt, as we were going out of the yard; a man and a gun were taken from Mr. Fletcher's; William Shipman was the man's name; from Mr. Fletcher's we went a little way on the turnpike road, and there we were divided; Brandreth and the biggest part of the people went to the row of houses which is called George Turner's at Pentridge-lane-end; I and Samuel Hunt, and eight or ten more, went towards Samuel Booth's; Hugh Booth, a son of Samuel, was taken; Brandreth joined us before we went away from there, but not his party; then we went to Buckland-hollow, Mr. Wheatcroft's; the door was broken open, and three men and a gun were brought away; we then returned back to Pentridge-lane-end; we there met the other people; we were formed into ranks three deep; the biggest part of the musquets were put in front, the spike men in the middle, and a few musquets behind; the word of command was given by Brandreth to march; then," he says, "we went along the road towards Pentridge; I saw George Weightman as we were going out of Pentridge on William Booth's pony; I had heard it said among the company, that he was going to Nottingham to let their friends know that they were coming; we went onwards to the Butterley-works; I saw Goodwin there; Brandreth and William Turner knocked at the door, and then he came out of the office; he called about for his men, and he said there were a great many too many already, without they were upon a better subject; I do not recollect seeing the prisoner there; a man in the rear, whom I took to be John Bacon, said, you have no business here, you had better turn off; we turned off and marched towards the Coke-hearth; we then proceeded to Ripley, and there we were halted; we then went on to the Glass-house public-house at Codnor, it was a very wet night; a party went into the house; I saw the prisoner stand at the door with a musquet in his hand; I had been in the back parlour, and I came to look out; we stayed there upwards of half an hour, then we went to Mr. Raynor's; they took his man and his gun and a pitch-fork, and perhaps more; at the Glass-house I heard John Bacon say, the government had robbed them and plundered them of all that ever they had; that that was the last shift they ever could make; some of them had some ale there. I saw the bill given to the captain and John Bacon, and I heard one of those two, either the captain or John Bacon, say it would be paid in a fortnight, when the job was over. A party from Hartsay came to the Glass-house, and after we left the Glass-house, a party came from Swanwick;"—it appears that different parties met in the course of their march;—"we afterwards went along the Nottingham road to Raynor's, there we were halted, and from thence we went towards

Langley-mill, there I saw George Weightman on William Booth's pony, coming from towards Nottingham; as he went past us, I heard him say, march on my lads, all is right, they have bombarded Nottingham at two o'clock this morning, and it is given up to them;"—all this was untrue, no doubt, but it was said probably with a view to encourage them to go on—"we marched on towards Eastwood, and there we were halted; I asked Barnes what they were going to do when they got to Nottingham; he said they had fixed up a fresh government at Nottingham, and they were going there to defend it, until the other counties came into their terms; it would be all soon over, for by a letter he had seen yesterday, the keys of the Tower would be given up to the Hampden club party, if they were not already; and that he had never sat down since four o'clock yesterday morning; I asked what he had been doing; he said he had been preparing guns, spikes, and ammunition. I saw the prisoner most of the time I was there; I cannot say I always saw him; he appeared to walk in the rear chiefly, as if to keep the men up together." This witness tells you, "I conceived from what I saw him do, this was his chief employ; there were about two hundred about Langley-mill; I attempted to get away while we were at Eastwood; Brandreth came up to me with a gun, and said if I did not go into the rank again, he would shoot me; I stepped up to him with a sticking knife, and said if he offered to present the gun, I would hack his head off; he stood a short time, and turned off, and I then marched off; when I had walked fifty or sixty yards, I heard a cry of, do not shoot; I looked back and saw him with a gun at his shoulder presented at me; Thomas Turner"—that is the young man whom I mentioned before, as having appeared to conduct himself with great humanity, on more than one occasion—"took hold of him and drew the gun off; on my return, I met a party of about fifty, a few with guns and spikes, but the rest appeared to be colliers unarmed, they were proceeding after the others along the Nottingham road; I saw another party, but I went by a bank to miss them—those therefore appeared to be in addition to the Hartsay and Swanwick party, and those who had come from Pentridge and Wingfield;—"I saw them proceed along the same road, in the way for Nottingham; some of them appeared to be armed, but I was not very nigh, and I could not judge exactly.

Then, upon being cross-examined, he says, "John Sellars's house was the first we went to; I saw him come from his door; I afterwards went with them to Booth's, and I was with them at Wheatcroft's and the Glass-house; at all those places I was amongst the party; I did not say at any of the houses I was there against my will; I did not see the prisoner in the kitchen at the Glass-house; I was not always in the same place when we marched, I was sometimes in the middle, and

of the paper, and whether there was anything else that might tend to explain them; he says, "They were the whole of the verses, and there was nothing else connected with them."

On his re-examination, he says, "Weightman was to go to Nottingham, to see whether the people there were ready to join them, and to bring back a particular account that night, and money was collected to enable him to go." He says further, "that there were threats held out, that if any man should tell anything about them, they would call on him another day;" that was the nature of the threat.

The next witness is Shirley Asbury; he says, "I am an engine-fitter at Butterley, in the service of Messrs. Jessop and company, and was so in June; on the 8th of June I went to the White-horse at Pentridge, about twelve o'clock, in company with John Elsdon; we found there Cope, Anthony Martin, Brandreth, Mac Kesswick, John Moore, Edward Moore, William Smith, and several others in the room; I did not know all of them, but there were about twenty in all. I saw the prisoner there; he came in with Turner; the prisoner and Turner are both Wingfield men. Turner produced a paper consisting of what guns they had; what guns such and such people had." He says, "Their names were mentioned, but I do not recollect them; Turner delivered the paper to the prisoner, and he read it over to the company; then William Turner seemed to say that the Wingfield people were more forward than the Butterley, for they went out to get pike-shafts in the day;" and he said, "that they had about forty pikes in a stone quarry, for men that would volunteer; he did not say where that stone quarry was; the prisoner was present when this conversation passed. Turner said they were to go first to Wingfield; they were going to draw the badger in the first place; they were to take a bundle of straw, and set it on fire, and as soon as it was set on fire, he would come out, and then they were to shoot him. Colonel Halton was mentioned as this person, whom they thus stated they intended to shoot. William Turner said that they had vermin to kill, and every one must kill their own vermin. I cannot recollect that I heard the prisoner say anything more than reading the paper over. Nottingham was mentioned by Brandreth; he said they were to go to take Nottingham, and every one was to have plenty of rum, and a hundred guineas when he got there. William Turner also mentioned it." Now if William Turner mentioned it, it must have been mentioned after the prisoner Ludlam came in, as they came in together. "I cannot recollect that any body but Brandreth and Turner used those expressions; William Turner said there would be no good done till such time as the government was overthrown. I do not remember any body else mentioning this. They were to go to Nottingham in the first place; they were to take Nottingham; and they were to go down the Trent by the Trent boats to Newark from

thence, and to take Newark, and then to make the best of their way to London to overturn the government; that there would be no good done till they had overturned the government; this was talked of from the time I went till the time I came away. They said, they had no doubt they should succeed in what they were going to undertake. I came away about four o'clock; they spoke it up to all in the room loud enough for all to hear; they were to set out at ten o'clock the next night," and at ten o'clock some persons accordingly did set out; "it was proposed that George Weightman should be sent to Nottingham, and a subscription was made for him to pay his expenses; he was to set out that night, and after he had been at Nottingham, he was to come home again; money was collected for the purpose while I was there; Brandreth produced a map, and he pointed out and pricked out the places where they were to go to; Brandreth wanted a barrel of gunpowder produced, so that he might learn them how to make cartridges; it was mentioned that they had a barrel; only one barrel of gunpowder was spoken of; they had no other ammunition but gunpowder, but Brandreth said that there were plenty of churches on the road that they might get lead from; there was to be a party to meet them from Sheffield and Chesterfield, and to join them; and they were to go to Butterley."

On his cross-examination he says, "It was not mentioned that when they started they were to meet a quantity of men at Nottingham before the money was gathered for Weightman to go to Nottingham; I do not recollect that anything was mentioned before, but it was mentioned after: I cannot recollect that there was anything said about overturning the government before the money was collected, but there was something said afterwards. I do not know whether the prisoner was there at the time the money was collected; I gave sixpence, but I did not know what it was for; I put it upon the table: I saw the rest give sixpence, and so I gave, I cannot say whether all gave or not; Cope gave sixpence I believe." Then he is asked whether Martin gave anything, and he says, "I do not recollect that he did; he might; I cannot state who gave and who did not; I cannot recollect whether the prisoner was in the room when the money was gathered or not: I do not know whether anything was said about a revolution or overturning the government before the money was gathered; I do not know whether the verses were recited before or after that; the map was not produced till afterwards; I do not recollect anything about a cloud from the north." I do not think he had spoken to such an expression, though I think it is mentioned by one of the witnesses afterwards. "I can remember Sheffield and Chesterfield being mentioned, but I cannot recollect whether it was before the money was collected or afterwards; I never heard the name of Oliver mentioned there at all; I have heard it mentioned since, but it

ballotted for the militia, and I must go to Derby to-day; they said, come down stairs and open the door, we will protect you from the militia, or else I will shoot you; I went down stairs and unbolted the door, and part of it fell into the passage; this was occasioned by the violence that had been used at the door; upon the door being opened, I saw a number of men rush in at the door, to the amount of six or eight;—some were armed with guns, and some that stood at the door were armed with spikes, like those on the table; when they came in, the captain of the company asked me where my clothes were, I said, up stairs; he said, go and put them on immediately; I went up stairs immediately to put my clothes on; they lit a candle and followed me up, four or five of them; the captain and William Turner were all that I knew; when I got up stairs, they asked me what I had been doing, that I was not dressed; make haste, he said, or else I will shoot you, you seem to wish us to shoot you; I said, I had rather you would not;—as soon as I had put my clothes on, I went and sat me down on the squab, and offered to put my boots on, and to lace them, and the captain said, if you offer to stop to lace your boots I will shoot you; they then forced me out of the house before them; some one called me by my surname, and asked me whether I had a gun, I said no, I had not, nor never had since I had been at that house; then they bade me take a fork; I said I could not find my fork, and they drove me out of the yard, and took me to a man in the ranks who had a gun, and told him to take care of that man as a prisoner; we went first to Mr. Storer's; a gun was fired against the meeting-house, as a signal to alarm them at Butterley. I know Mr. William Booth, I remember his pony being brought out by George Weightman; the captain told him to take it and ride to Nottingham forest, and see how they were going on, and to come back and bring tidings;—he sends this man, therefore, to that place which had been before mentioned, Nottingham forest, and to come and bring them tidings;—“to meet them at Langley-mill; we then marched forward, two deep, to Butterley. I know the prisoner at the bar, I saw him there before we got to Butterley; he had a spike in his hand; he was in the rear to keep the men up, so that we could not get away; with the prisoner in the rear and the captain in front, we marched up to Butterley gates, and rapped at the door; from Butterley we went to Ripley, and from thence to Codnor; in our march, I saw the prisoner several times, keeping guard in the rear; he was always in the same position when I saw him keeping guard in the rear; at Codnor we called at a house called the Glass-house;—you recollect other witnesses have said they supposed the prisoner to be stationed at the door of the Glass-house for the purpose of keeping guard to prevent others going away; that they saw him there, and supposed that to be his object;

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now you will see what this man says,—“we called at a house called the Glass-house, the prisoner said to the captain, there must somebody stop on the outside to take care that the men do not get away, or a great many will go away, if there is not some person to take care of them; and the prisoner did stay at the outside.”—If you give credit to what this witness says, the prisoner did take his station at the outside as the others had supposed him to do, for the purpose of preventing those who might wish not to proceed further, escaping; and he did so at the suggestion of himself to Brandreth:—“he had had a gun delivered to him during the time he stopped there; when I went in he had a spike;” he says, “I think I saw his son likewise, I cannot say whether he had any arms or not; it rained very hard while we were at the public-house at Codnor: we then marched on the road for Langley-mill. I saw the prisoner several times in his old situation between the Glass-house and Langley-mill, he still continued in the rear; I went beyond Eastwood a little way; I got away about half a mile beyond Eastwood and turned back; I saw the prisoner beyond Eastwood, when I was turning he was going forwards; he was behind the party; the greater part of them had got out of sight over the hill.

The next witness called is Hugh Booth, a son of Samuel Booth, of Pentridge-lane-end; you recollect it was proved, that Hugh a son of Samuel Booth, was taken from his father's house, and compelled to join this party; he says, “On the 9th of June last, I was disturbed between twelve and one by a party of men who came and knocked at the door two or three times; they called out, I want Hugh, I want Hugh Booth, my father got up and wished them to go without me; they said they would not go without me; that if my father would not get up and open the door, they would break the door down, and shoot him: I got up, and went to the door, and a man offered me a spike to go with them in the ranks; the prisoner said they were going to Nottingham; he was a little way from the door; they said they came from Mr. Fletcher's to our house; the prisoner ordered me to go into the ranks, and I was forced to do so; we went up to Pentridge, and stopped there; the whole body halted at that time; I again asked the prisoner where we were going, he said, it is brought to a head at last, we are going to Nottingham; we then went to John Bright's house, there I had some conversation with the prisoner; I again asked him where we were going, and he said there was a parliament formed at Nottingham, and we were going to guard them; he said, the business will all be done before we get there;”—declaring again, if you believe the testimony of this witness, an object corresponding with that detailed to you, in the evidence of the others, namely, the object of guarding some meeting like a parliament, which it was supposed was to assemble, which could only be by taking the power from

that parliament in whom by the law of the land it is vested, and vesting it in others;—he says, “there was a young man in a blue coat and trowsers, who had a sword, and whose name, I have since heard, is Manchester Turner: he was of the party, and he said they were going to Nottingham to unload the burthen that England had so long borne; this was said at John Bright’s; there was a gun fired just before we got there from Pentridge; we then marched towards Butterley, the prisoner had a large staff with a spike at the end of it; he was walking in the rear, and was very forward in pushing the men along; we went round to Butterley, and halted there; there we saw Mr. Goodwin; William Turner and the Nottingham captain were the leaders of the party; I heard the Nottingham captain speak to Mr. Goodwin: Mr. Goodwin asked him what he wanted, and he said we want your men; Mr. Goodwin told him they should not have them; I went into Mr. Goodwin’s office; I saw the door open while the party was halted, and I walked in and escaped from them, and did not join them again.”—This young man was a person who had been called out of his bed and compelled unwillingly to join their party, and at these Butterley works, seeing the door of the office open, he took the first convenient opportunity which presented itself, went in and remained no more engaged, or appearing to be so, in these transactions.

On his cross-examination, he says, “I carried no arms the whole way; the captain and William Turner were the active men.”

Then the next witness called is George Goodwin, who is the managing clerk of Mr. Jessop’s works, who certainly does give very material and important evidence as it affects the prisoner at the bar; he says, “On Saturday the 7th of June, special constables were sworn in to protect the works.”—It does appear from this, as well as from some circumstances he mentioned afterwards upon his cross-examination, that he had anticipated there might be some attempt to force open the works belonging to his masters, and the first two witnesses who are examined assign that as a reason for not making the disclosure which seemed to have been expected;—he says, “on the 9th of June, at night, while on duty with the constables, we heard guns fired; the first I heard was a little before twelve o’clock, and between that time and day-light I heard three or four guns and the blowing of horns; a great part of the constables were dismissed a little before three in the morning of Tuesday:—they seemed to have supposed that when day-light arrived there would be nothing attempted.”—“Mr. Jessop and myself came down with a party that were armed with pikes to the office; a little before three o’clock I observed George Weightman riding past very quick; I called to him to stop, but he did not; he looked over his shoulder and went on;—you may recollect what the other witnesses told you, that George Weightman was sent to Nottingham on Mr. Booth’s

pony to bring intelligence;—“a few minutes after, I observed about a hundred persons marching on the road from Pentridge in regular military order, two abreast, armed with guns, spears, and pikes, a few had no arms; they marched up to the door of the iron-works, and there stopped and halted; I spoke to the captain, who was at the head of them, and asked what was his object in halting there; he said, we want your men; I told him they should have none; that they were too many already, except they were going for a better purpose; I recognized among them the prisoner at the bar; he was in the front rank, as it was then, what in the march would have been the rear; I said to him, good God, Isaac, what are you doing here on such an errand as this; I urged him to leave them; I told him he had a halter about his neck, and he would be hanged if he did not immediately go home;”—he not only urges him by words to do this, but he endeavours to force him,—“I took him by his shoulders, and turned him with his face towards the office, and pushed him, that he might make his escape into the office; he had an opportunity of escaping if he chose;” he might have done so in the same way which Hugh Booth the young man did.—“The prisoner was much agitated, and said, I cannot go back; I am as bad as I can be; I must go on;”—this is the language which the prisoner at the bar uses when remonstrated with by that friend, who is anxious to give him an opportunity of redeeming himself, if possible, by taking no further part in these transactions;—but he says, “I cannot go back; I am as bad as I can be; it is too late to go back; I must go on.” You will consider whether those expressions do not plainly disclose a mind conscious of all that he was doing, and conscious that he was one of those engaged in that plan of which he spoke, and of which they all spoke.—He says, “I spoke to nearly the same effect to James Taylor; three of them, during the time Ludlam and I were talking, escaped into the office; Booth was one of them. The captain and the party looked at each other for a short time, the captain then gave the word of command, and they marched along the road to Ripley, which is the road to Codnor; the prisoner went off with the first party, and in about a quarter of an hour after I observed another coming from Pentridge; in about half an hour after the second party, I saw William Weightman on horseback, riding in the direction of Nottingham; from him I got a bag of bullets, of about 84 pounds weight;—this is a preparation of ammunition;—there might be from 1,500 to 2,000 bullets; there were a great variety of sizes, so as to fit the bore of different muskets and pistols; there were some moulds for cartridges, and paper in the bag fit for the purpose, though not the best.”—It appears that William Weightman was not willing to deliver up this bag to him; he made some resistance, but Mr. Goodwin overpowered him, and took it.

On his cross examination, he says, “I was

surprised to see the prisoner at the bar amongst them; he was a man I had known for several years, and I wished him well;"—that he did wish him well, is plain from the expressions he used, but which had not the effect of prevailing upon the prisoner;—"he was much agitated when I spoke to him; I met with no resistance from him or any of them; I was armed; I had a brace of pistols in my pocket; I considered the prisoner in as little danger as myself;"—he is asked, whether he felt confident of his own safety, and he says, "I considered myself in danger, but I considered if the prisoner had gone, that he would not have been in greater danger than myself; he would have had all the means of safety I had."

Then he says, on re-examination, "I had sworn in an hundred and fifteen or sixteen special constables on the Saturday before, in expectation of an insurrection; they were armed with pikes;"—it was very fit and very proper, that when Mr. Jessop and Mr. Goodwin expected an assault from a number of persons, they should put arms into the hands of their own servants to protect their property from the assault that was expected.

The next witness is John Storer, a farmer at Pentridge; he says, "On the 9th of June I was disturbed after I was gone to bed, about one o'clock, by a body of armed men; they presented a gun at the windows, and threatened to shoot me; I had gone to the window on the first alarm; one of them said, 'Damn your eyes, come and go with us, or we will shoot you.' There were about twelve or fifteen of them; I asked them if there was no excuse; they said, none. William Turner was one of them; he had a gun; he said there was me, a gun, and two or three more in the house, and me and the gun they were determined should go with them; and they would shoot me and all in the house if I would not go; that the captain had just shot Hepworth's man. I told them, I would go with them, if they would give me a little time to dress myself; they told me, that if I did not make haste, they would make me so that I could not go; I cannot say who said that. I finished dressing myself, and I took an old gun, and went to them out of the house; they asked me if it was loaded; I told them, not; they asked me if I had any shot and powder; I told them, a little shot."

"They said it did not mean;" (a word, I believe, importing, did not signify) "they should have powder and ball sufficient. We then went on by the yard to a gate leading into the lane; I told them, I was not fit to go, I had been very unwell the day before, and I was not willing to go; I told them I could not carry the gun any further; they said it must go with the baggage; I asked them where the baggage was; they said, they did not know then what they should have; then we went into the lane; they said, they were going to Nottingham; it was a general rising; that twenty-five or thirty thousand were coming from Sheffield; that there would be several hundred

thousands assemble that day; that liberty would be gained, and an end of slavery; this was said by a person in the midst of them, I do not know by whom. They said all must go, or be shot."—I cannot forbear making a remark upon this expression, "liberty would be gained, and an end of slavery; all must go, or be shot." The very first step taken by these people, the first purpose that they are arming themselves for, in the recovery of the lost liberty of the country is, to take away the lives of all those who will not join them, and become parties in their scheme; for they declare, in words, that those who will not join them shall all be shot.—"We stopped in the lane waiting for the captain. They told us, when we got into the lane, they were waiting for the captain and a party down the lane-end. They came up in about twenty minutes; I thought them about a hundred, armed with guns and pikes similar to those on the table; when the body came up, I saw the captain; he carried a very long pike; he ordered the men to fall in three deep; those with guns in the front, and those with pikes behind. The captain and the principal men held a consultation; among them were William Turner, and a young man that appeared to have but one eye, whom they called Manchester Turner, whom they called lieutenant. After they had consulted together, the captain asked whether there were any men that could do their exercise; if they could, they should fall out, and he made non-commissioned officers; some did fall out; I believe some were appointed, but I was in the rear too far off to know. There was an advanced guard and a guard in the rear; the prisoner was to command the rear;"—which is exactly what all the other witnesses have spoken to his doing.—"Then the captain ordered them to march; they proceeded towards Pentridge; they stopped to break open houses, and bring men and guns out at Pentridge. I feigned myself ill; I wished to get from them; they said they would all go in that way; and somebody said, 'shoot him.' The captain appointed two men to take hold of me, each by one arm; they led me in this way up Pentridge, to William Booth's; there they got out his pony, and saddled and bridled it, and then they set me on the pony; I was not willing to go with them, and I fell off; the captain ordered them to face to the right, and march; then they left me, and I saw no more of them."

Upon being cross-examined, he says, "I saw the prisoner frequently; I cannot say particularly whether I saw him just before I got away; they did not ill use me, they threatened to shoot me; I did not see the prisoner at that time, but I have no doubt he was very near, for I saw him frequently at Pentridge. The captain frequently used very violent language towards me. I told him he had better shoot me, then he would have done with me; and he said, 'damn him, leave him, we can do without one;' they went away immediately.

them were armed in the same way as we were. Joseph Weightman the younger, Thomas Weightman, Benjamin Taylor, Joseph Taylor, and James Taylor, were of that party; we went forward to the lane end. I did not go to any body's house, but a party went to Wheatcroft's, at Buckland Hollow; I heard a disturbance; they appeared to be thundering at doors." There is afterwards a witness called from Buckland Hollow, who states what actually passed there. "At Pentridge-lane-end I heard them rattling at folk's houses, and calling them up; we went to Pentridge from thence; as we were going along, the captain asked whether there were any men who had been soldiers, or in the militia, or knew discipline; that if there were any, they must turn out and keep the men in order; Charles Swaine turned out, and the men were put in rank by Brandreth, William Turner, and Charles Swaine; William Booth's was one of the houses that they went to; a pony was taken from thence; I saw George Weightman with it at the yard gate; he asked me to give Storer a leg on; Storer pretended to be ill; I understood in the party he was one of the persons that had been taken out of his house; he did not remain on long; he tumbled off, and lay in the street; we were then marched to Butterley Furnace. Mr. Goodwin came out to us; I heard him say something to Brandreth, but could not hear what it was; we were then marched to Ripley-town-end; there Brandreth ordered us to halt and give three huzzas; we did so, but I do not know for what purpose; we were then marched to Codnor, and there we stopped at a public-house called the Glass-house; Brandreth went to the door and knocked, and called the people up, and ordered them to fill some drink for us; drink was supplied to the amount of eight-and-twenty shillings; I went into the parlour, but I cannot say who else went in; from thence we marched on to Langley-mill; before we got there, three men were fetched out of a barn; I did not see them forced out, they were taken with us; when we got to Langley-mill we met George Weightman upon the pony I had helped Storer upon; the party surrounded him, and asked how they were going on at Nottingham; he said they were going on very well, the town was taken, and the soldiers would not come out of their barracks, and we must march forwards as fast as we could; we marched on; I went with them two or three miles beyond Eastwood, and there I left them; when I left them, very few were marching on towards Nottingham; I do not recollect seeing the prisoner after we were at Mrs. Hepworth's yard;" but it seems other witnesses speak to seeing him later than that. "I left them between nine and ten in the morning; I do not recollect anybody but Brandreth saying where we were going to; I had a pike, as I went along with them; it was given me by Samuel Ludlam, when I gave him the bullets, he afterwards parted with the bullets to George Weightman."

On his cross-examination, he says, "Brandreth said before we started, that we were going to Nottingham-forest; I do not know that he said that more than once; the prisoner joined us after that; I do not know the age of his two sons; they are both grown men." This witness details a great number of acts of violence and outrage committed by these parties; great crimes committed by many of them; crimes, however, which, unless their object was that which has been stated to you so often, would not amount to high treason.

The next witness is Henry Tomlinson, who is a farmer at South-wingfield-park. He says, "On the night of the 9th of June, about half past nine, or a quarter before ten, a party of between thirty and forty men came to my house armed with guns and spikes; I went up to the door, and asked what they wanted; they said they wanted me and my gun; I told them they must have neither; they said they would; I told them the gun was gone to Ashover to be mended; they said if I did not open the door they would break it, and find my gun, or else they would search my house; I opened the door; I saw William Turner and Brandreth; they entered the house, and also William Barker; I said to Turner, 'Well, William, are you here,' and he answered, 'yes;' 'are you one of them?'—'yes.' I used the same expressions to Barker also, and had the same answer; I went into the house with them, and when I came out, the captain said I must go with them; I told him I would not; he said I must, I had better go to-night than stop till the morning, for there was a great gang coming from Sheffield, and a great cloud coming out of the north that would sweep all before them; I told them I would not go; he presented his gun, and swore he would shoot me; he said they were going to Nottingham; they were to be there by half-past eight or nine, as I understood; he said we should not need to go further than Nottingham, for London would be taken before they got there; at last they forced me to go; I wanted to carry my own gun, but the captain would not let me; he said that I must carry a spike, and a spike was put into my hand; I got away from them soon; George Weightman bade me give him my spike, and he let me go back again; I said to him it was a very lonely place to leave my wife by herself; and he said I should go a little way, and then turn back again; I went with them about three hundred yards; George Weightman took the spike from me, and suffered me to go back, and they marched right forwards towards Nottingham."

The next witness is Elijah Hall, senior, a farmer and miller at South-wingfield-park. He says, "on Monday night the 9th of June, I got home about eleven o'clock from the mill; the door was fastened;" that is after he got in the door was fastened; "then I heard the footsteps of two men on the outside; one of them asked whether any men had been there that night; I said, yes; they asked whether they

had taken any guns, and I said yes." He said this evidently to get rid of them, to make them believe he had received a visit from others before. "After that they went away; a few minutes after they were gone I opened the door; I did not see anybody immediately on opening the door, but soon after I saw people come into the yard; about thirty of them; I was then not ten yards from my door; they were armed with pikes and guns, and one of them had a sword; I asked what they wanted at that time of night; they said they wanted fire-arms; some said they wanted a bigger loaf and the times altered; I told them it was not in my power to do either; I also told them I had no fire-arms for them. Whilst we were talking, some person within fastened the door; when I said I had no fire-arms, they said they knew I had, and demanded them; they said I had better deliver them up quietly, to prevent further mischief, and my house from being fired. About the same time a gun was fired about half a mile off, in the direction of Frichley; after the gun was fired, they again demanded arms, and began to force the door; then a gun was given to them through the window, and I told them I hoped they would go away, as they had promised at first they would do; they said I must go with them: I said I would not; and some of them then said, he has sons, we will take them; upon this the captain; "that is Brandreth," said, if he has sons we will not take the old man; then they desired me to open the door and fetch my sons out; I told them I was outside as well as they, and therefore I could not do it; then they ordered me to command it to be opened," he being the master had a right to command it, "and on my refusal, they began to force it; some of them said, 'captain, how must it be,' after they had made several fruitless attempts, he said 'blow it in pieces;' upon that" he says, "the door was opened by some one within, and about a dozen or more went in; and the captain and myself also went in. The captain ordered me to fetch my sons out of bed; I told him I would not; he said, 'if you do not, I will blow your brains out;' he had a gun, and he gave me two thrusts in the side with the muzzle of it; and presented it at me; Thomas Turner cried out, do not shoot." Thomas Turner had perhaps gone with them willingly, but he appears upon this and on one other occasion, I think, to have acted in such a way as to entitle him to a merciful consideration, which is probably the reason you see him here as a witness and not as a prisoner. Then he says, "the captain then took a candle from some person in the house, and lighted it at the fire, and he and several other persons went up stairs into the bed-room where my sons slept; I heard a great noise; I heard some person threaten to hush them up if they would not get up; they brought my son Elijah into the house-place, partly dressed, he finished dressing when he came down; I asked the captain"—who is their leader, and may be supposed to speak their sentiments, if you find

them in any measure concurring with him—"where he was going to take my son—he said he was going to Nottingham, that he believed Nottingham was given up at that time, that there was a general rising throughout the country; from whence their object was to go to London to wipe of the national debt, and begin again afresh;" that is, to overturn the whole government of the country. "I saw the prisoner at the bar among the party outside the house;" the prisoner therefore was outside and not inside; "I saw inside the house Isaac Ludlam the younger, his son William Ludlam, Manchester Turner, Robert Turner, John Walker, William Walker, and Thomas Turner. I asked the party, did they know the consequences of what they were doing? they said they knew the consequences, it was hanging what they had done already; they were determined to go on; I do not know which of them it was that said this."

Then, on his cross-examination, he says, "It was the party inside the house who said they were determined to go on; the prisoner was outside; there was light enough outside the house to enable me to distinguish him;" so that he was not present when the language was uttered.

Elijah Hall, junior, says, "I heard the people outside the house, and afterwards in the inside; while they were outside, a gun was given them out of the window of my room; after they had got into the house, several of them came up into my bed-room, and demanded me to get out of my bed, and go along with them. Brandreth was one of them. They told me they could not wait of me, I must make haste; I got up and partly dressed myself in the room; I then went down. They had threatened to murder me if I did not get up. I finished my dressing below stairs, and went with them; they compelled me; I asked one of them where they were going to, I do not know who it was; he told me they were going to Nottingham, to meet a great party of other men on the race-course; they were going to break the laws and pull down the parliament house; they told me I was to have a deal of money when I got to Nottingham, that there would be one hundred pounds for every man that got there; after we left the house we went first to Isaac Walker's; a gun and a pistol were got there; then we went to Bestwick's: there they got a gun; from thence we went to Samuel Hunt's, at the lodge, in Southwingsfield-park; I was not there at the first; when I got there they were in the house, and a servant girl or Samuel Hunt was bringing out the bread and cheese, and they had some table beer to drink with it; we did not stop long; Samuel Hunt went with us from thence, and his man Daniel Hunt; Daniel Hunt took a gun with him; Isaac Ludlam, the prisoner, was of the party at each of those places;" so that he was with the party and acted with them on many of the occurrences which took place; "we went next to Mrs. Hepworth's; they made a

great disturbance at the kitchen door; the family got up and asked what they wanted; they said they wanted men and guns; they were told they should have neither there; some went to the kitchen window, and broke it open, and a gun was fired off by the Nottingham captain into the kitchen, and Robert Walters was shot by it. I did not see the prisoner at the present time when the gun was fired, but I saw him before we left the house in the back yard; I was about the house only a few minutes; after the shot was fired, they demanded Mrs. Hepworth's gun, and it was given to them; then they went away to Pentridge-lane-end, and attacked some houses there; some went from thence to Buckland Hollow; I heard them thunder at the door there, at Wheatcroft's; then they returned again, and then we went up to Pentridge, where they attacked several houses; while they were attacking those houses I made my escape from them and returned home."

Isaac Walker, who is a person who had been before mentioned, says, that he lives at Wingfield, and is a farmer there; he says, "About half past eleven o'clock on Monday night the 9th of June, I was disturbed by a dog barking; I got up and went to the window; I saw a parcel of men coming up the yard, about forty in number, armed with pikes and guns; they came to the front door and demanded entrance; I asked them what for; they said they wanted my fire arms; I asked them what they wanted them for, and they said that was no business of mine, they were determined to have them; they demanded a gun and a brace of pistols; I said I had a gun but I had no pistols; some person presented a piece at my bed-room window, and said he would fire at me if I did not immediately open the door; upon that I went and opened the door; some person told him not to fire, but to give me time to put my clothes on, and I took the gun down and gave it them, and they went away; I was going up stairs when I heard them rattle at the door again; I opened the door, and they said they knew I had one pistol if not two;"—they seem to have obtained pretty good intelligence what arms the Wingfield people had; here is a Wingfield man, and it appears from the testimony of the two first witnesses, that William Turner produced, and the prisoner read, a paper containing an account of the arms which the Wingfield people had, and where they were to be found;—"they said they knew I had one, and they were determined to have that and all; they demanded a servant man also; I told them I had none; they said they knew I had, and they would have him; I again said I had none, and they went away; I gave them the pistol; it was a brass-barrelled pistol; the prisoner was there, I knew him before; I saw him under the window a little to my right hand;"—he speaks therefore to the prisoner being one of those concerned in this violence and outrage committed at the house.

Mary Hepworth is next called: she says,

"I have a farm at South-wingfield-park; I was disturbed between eleven and twelve o'clock on the night of the 9th of June; I and my family were in bed at the time, two servant men, Fox and Walters, my son William, and two daughters, composed my family; we were disturbed by a thundering at the door; I got up immediately; they demanded men; I went down stairs and stood in the kitchen; they kept up a noise at the door and the window, and demanded men and guns; I went up stairs again; somebody had opened the window; I told them from the window that they should not have any; I said that they were doing very wrong; I then went down stairs again; the kitchen window was broken open, and Robert Walters was immediately shot; he was sitting down, stooping as if putting on his boots; he lived for about ten minutes; they then called out again for men and guns; I told them I could not let them have them; the gun had been hid in the cellar, and I told my son William to give it or we should all be murdered; he gave it to them; they still said they must have a man; I went up stairs and said to them, one man has been shot already, is not that sufficient for you? upon this remonstrance they proceeded no further, but went away."

Henry Hole says, "On the 9th of June last I was a labourer at Pentridge-lane-end; I was disturbed about twenty minutes before twelve; I got up and went to the window, and asked who is there, what do you want; we want you to volunteer yourself to go with us, or else we will break the door open and murder you; I went down and opened the door; I saw four men, Joseph Weightman and Joseph Topham were two of them; I asked them where they were going, they said to Nottingham. I said, if they were going to Nottingham, I could not pretend to go with them, for I had no money to carry me there, nor I had no money to take care of my family while I was gone; they said, I needed no money, they should keep me on roast beef and ale; and there were people fixed to take care of every body's families that would come in two days or under." It should seem, according to the testimony of the first witnesses, that they were convinced of the certainty of success of this enterprise, and they said to this man that persons would come in two days at the farthest:—"they said, I had better go that night; that they would come out of Yorkshire like a cloud, and would carry all before them; and those that refused to go would all be shot; I dressed myself and went out; a pike was forced upon me; I carried it a little way, and then said if they were going to Nottingham I was not able to carry it, it was so heavy, and if they did not take it I should throw it down, and I did throw it down; then I went on to John Sellars's, and I saw him and his apprentice coming from his door; I heard some others coming over the meadow from towards Mrs. Hepworth's; they joined us at Mr. Fletcher's;

I saw Brandreth there, and William Turner, Manchester Turner, the prisoner, William Ludlam, Joseph Weightman, Joseph Topham, and Samuel Hunt, as we were going out of the yard; a man and a gun were taken from Mr. Fletcher's; William Shipman was the man's name; from Mr. Fletcher's we went a little way on the turnpike road, and there we were divided; Brandreth and the biggest part of the people went to the row of houses which is called George Turner's at Pentridge-lane-end; I and Samuel Hunt, and eight or ten more, went towards Samuel Booth's; Hugh Booth, a son of Samuel, was taken; Brandreth joined us before we went away from there, but not his party; then we went to Buckland-hollow, Mr. Wheatcroft's; the door was broken open, and three men and a gun were brought away; we then returned back to Pentridge-lane-end; we there met the other people; we were formed into ranks three deep; the biggest part of the muskets were put in front, the spike men in the middle, and a few muskets behind; the word of command was given by Brandreth to march; then," he says, "we went along the road towards Pentridge; I saw George Weightman as we were going out of Pentridge on William Booth's pony; I had heard it said among the company, that he was going to Nottingham to let their friends know that they were coming; we went onwards to the Butterley-works; I saw Goodwin there; Brandreth and William Turner knocked at the door, and then he came out of the office; he called about for his men, and he said there were a great many too many already, without they were upon a better subject; I do not recollect seeing the prisoner there; a man in the rear, whom I took to be John Bacon, said, you have no business here, you had better turn off; we turned off and marched towards the Coke-hearth; we then proceeded to Ripley, and there we were halted; we then went on to the Glass-house public-house at Codnor, it was a very wet night; a party went into the house; I saw the prisoner stand at the door with a musket in his hand; I had been in the back parlour, and I came to look out; we stayed there upwards of half an hour, then we went to Mr. Raynor's; they took his man and his gun and a pitch-fork, and perhaps more; at the Glass-house I heard John Bacon say, the government had robbed them and plundered them of all that ever they had; that that was the last shift they ever could make; some of them had some ale there. I saw the bill given to the captain and John Bacon, and I heard one of those two, either the captain or John Bacon, say it would be paid in a fortnight, when the job was over. A party from Hartsay came to the Glass-house, and after we left the Glass-house, a party came from Swanwick;"—it appears that different parties met in the course of their march;—"we afterwards went along the Nottingham road to Raynor's, there we were halted, and from thence we went towards

Langley-mill, there I saw George Weightman on William Booth's pony, coming from towards Nottingham; as he went past us, I heard him say, march on my lads, all is right, they have bombarded Nottingham at two o'clock this morning, and it is given up to them;"—all this was untrue, no doubt, but it was said probably with a view to encourage them to go on—"we marched on towards Eastwood, and there we were halted; I asked Barnes what they were going to do when they got to Nottingham; he said they had fixed up a fresh government at Nottingham, and they were going there to defend it, until the other counties came into their terms; it would be all soon over, for by a letter he had seen yesterday, the keys of the Tower would be given up to the Hampden club-party, if they were not already; and that he had never sat down since four o'clock yesterday morning; I asked what he had been doing; he said he had been preparing guns, spikes, and ammunition. I saw the prisoner most of the time I was there; I cannot say I always saw him; he appeared to walk in the rear chiefly, as if to keep the men up together." This witness tells you, "I conceived from what I saw him do, this was his chief employ; there were about two hundred about Langley-mill; I attempted to get away while we were at Eastwood; Brandreth came up to me with a gun, and said if I did not go into the rank again, he would shoot me; I stepped up to him with a steak paring knife, and said if he offered to present the gun, I would hack his head off; he stood a short time, and turned off, and I then marched off; when I had walked fifty or sixty yards, I heard a cry of, do not shoot; I looked back and saw him with a gun at his shoulder presented at me; Thomas Turner"—that is the young man whom I mentioned before, as having appeared to conduct himself with great humanity, on more than one occasion—"took hold of him and drew the gun off; on my return, I met a party of about fifty, a few with guns and spikes, but the rest appeared to be colliers unarmed, they were proceeding after the others along the Nottingham road; I saw another party, but I went by a bank to miss them—those therefore appeared to be in addition to the Hartsay and Swanwick party, and those who had come from Pentridge and Wingfield;—"I saw them proceed along the same road, in the way for Nottingham; some of them appeared to be armed, but I was not very nigh, and I could not judge exactly.

Then, upon being cross-examined, he says, "John Sellars's house was the first we went to; I saw him come from his door; I afterwards went with them to Booth's, and I was with them at Wheatcroft's and the Glass-house; at all those places I was amongst the party; I did not say at any of the houses I was there against my will; I did not see the prisoner in the kitchen at the Glass-house; I was not always in the same place when we marched, I was sometimes in the middle, and

sometimes I was in the rear; sometimes the prisoner was out of my sight, and sometimes in; he was in the rear when I saw him;—"that is, whenever he did see him, it was there;—"it was said many times by the company, that he was keeping up the rear? I do not remember seeing him but in the rear, except sitting at the Glass-house; I had known him before:" therefore there can be no doubt about his person.

Then the next is John Dexter, who lives at this house called Buckland-hollow; he says, "I was disturbed about twelve at night, by a desperate noise in the yard; the first word I heard was, Dexter, come, get up, we must have you along with us; I got up and went to the window; I saw people in the yard just before the door; I said I should not open the door; some one made answer, that if I would not come down and open the door, they had shot Hepworth's man, and they would shoot me." Now here, as in the case of the younger Hall, you have the testimony of a man who is forced to go, and gets away as soon as he can. "I was told, that if I would not come down and open the door, they would shoot me; I told them that they might shoot on, for I would not come down; they again said, I had better come down and open the door, or they would break it open; I still refused; and immediately two men began to break it open; the instant I saw that, I went to call the young men from the garret; whilst I was upon the garret stairs, the door smashed open; half a score persons entered the house; they then called to me, to ask me whether I would come down stairs; I told them I hoped they would give me time to dress; when I went down, I found part of the men armed and part not; they had spikes, spears, guns, and pistols; I desired to be allowed to remain; they told me that positively I must go, and therefore I had better get myself dressed; I went up to dress myself, and when I came down again they were charging my master's gun, which they had taken from the house; I and William Wheatcroft and Samuel Lewis were compelled to go; we asked before we left the house, what their intention was, and why they were acting in that manner; they said that they were going to ease the nation of that burthen it had so long groaned under;"—declaring their intention to be to execute a purpose of the most public nature, before conceived—"from Mr. Wheatcroft's house I proceeded to Pentridge-lane with the party; we were joined there by another party; they were in ranks, and the captain and Manchester Turner put us in ranks; the prisoner was there; I first saw him at Pentridge-lane-end;" now you have his declaration;—"he told me he had two sons of his in the party; that we were going to Nottingham, and that there was a parliament chosen ready when they got there; that the party in Nottingham would break into the houses, and take away the soldiers arms; and that Nottingham would be all taken by

such time as we got there; he said we had better all go, that a party was coming out of the north, that would sweep all before them;"—here therefore you have a declaration of the prisoner himself, that their object was, to go to Nottingham; that something which he calls a parliament was assembled there; that their object was of the same kind as that which has been spoken to by the other witnesses, as being declared by Brandreth, by Manchester Turner, and by others:—"As we were going along there was a talk by some one of the party, but I do not know who, that if Mr. Jessop did not give up his men they would take away his life; the prisoner was near enough to hear that; when the party marched on, the prisoner was in the rear; he was armed with a weapon like those on the table;"—those were some pikes, gentlemen, that were lying on the table;—"he was the right-hand man of the three the greater part of the time; they were a rear guard; at Pentridge-lane I stopped behind once." You will see whether the prisoner is acting as a rear guard or not; you will observe that when a man is placed in the rear, to quit the party he has little to do but to stand still, and they will march on without him. "At Pentridge-lane, when they were going forward, I stopped behind once; the prisoner said; we must have you forward, you must come along with us;"—actually preventing his going away.—"I tried two or three different times, and found it impossible to make my escape in the rear; and in Pentridge-lane I got away in front; I went down a yard, as if I was going to call a person, and made my escape; I tried in the rear two or three times, but the prisoner and the two men that were with him prevented me"—according to the account of this witness therefore, the prisoner is acting in the way mentioned by some others; marching in the rear for the purpose of compelling those who might have been brought against their will into the party to remain with it, and actually prevents this witness from leaving the party when he was desirous of doing so.

Upon being cross-examined, he says, "I do not know the names of the other two who walked in the rear; they appeared the most active men; some one said, that if Jessop did not give up his men he would be murdered; Manchester Turner was called the serjeant."

Then, on his re-examination, he says, "At the time of this observation the prisoner was near, and it was made in his presence and hearing."

The next witness is William Booth. He says, "I lived at Pentridge-lane-end on the 9th of June last; I was disturbed between twelve and one o'clock by a parcel of men knocking very loud at the door; they called me up; I went to the window and asked what they wanted, they said, you and your gun; I said, I have no gun; they said, then we must have you, come down stairs and open the door, or else I will shoot you. I believe one man said all this; I said, I cannot go. I am

ballotted for the militia, and I must go to Derby to-day; they said, come down stairs and open the door, we will protect you from the militia, or else I will shoot you; I went down stairs and unbolted the door, and part of it fell into the passage; this was occasioned by the violence that had been used at the door; upon the door being opened, I saw a number of men rush in at the door, to the amount of six or eight;—some were armed with guns, and some that stood at the door were armed with spikes, like those on the table; when they came in, the captain of the company asked me where my clothes were, I said, up stairs; he said, go and put them on immediately; I went up stairs immediately to put my clothes on; they lit a candle and followed me up, four or five of them; the captain and William Turner were all that I knew; when I got up stairs, they asked me what I had been doing, that I was not dressed; make haste, he said, or else I will shoot you, you seem to wish us to shoot you; I said, I had rather you would not;—as soon as I had put my clothes on, I went and sat me down on the squab, and offered to put my boots on, and to lace them, and the captain said, if you offer to stop to lace your boots I will shoot you; they then forced me out of the house before them; some one called me by my surname, and asked me whether I had a gun, I said no, I had not, nor never had since I had been at that house; then they bade me take a fork; I said I could not find my fork, and they drove me out of the yard, and took me to a man in the ranks who had a gun, and told him to take care of that man as a prisoner; we went first to Mr. Storer's; a gun was fired against the meeting-house, as a signal to alarm them at Butterley. I know Mr. William Booth, I remember his pony being brought out by George Weightman; the captain told him to take it and ride to Nottingham forest, and see how they were going on, and to come back and bring tidings;—he sends this man, therefore, to that place which had been before mentioned, Nottingham forest, and to come and bring them tidings;—“to meet them at Langley-mill; we then marched forward, two deep, to Butterley. I know the prisoner at the bar, I saw him there before we got to Butterley; he had a spike in his hand; he was in the rear to keep the men up, so that we could not get away; with the prisoner in the rear and the captain in front, we marched up to Butterley gates, and rapped at the door; from Butterley we went to Ripley, and from thence to Codnor; in our march, I saw the prisoner several times, keeping guard in the rear; he was always in the same position when I saw him keeping guard in the rear; at Codnor we called at a house called the Glass-house;”—you recollect other witnesses have said they supposed the prisoner to be stationed at the door of the Glass-house for the purpose of keeping guard to prevent others going away; that they saw him there, and supposed that to be his object;

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now you will see what this man says,—“we called at a house called the Glass-house, the prisoner said to the captain, there must somebody stop on the outside to take care that the men do not get away, or a great many will go away, if there is not some person to take care of them; and the prisoner did stay at the outside.”—If you give credit to what this witness says, the prisoner did take his station at the outside as the others had supposed him to do, for the purpose of preventing those who might wish not to proceed further, escaping; and he did so at the suggestion of himself to Brandreth:—“he had had a gun delivered to him during the time he stopped there; when I went in he had a spike;” he says, “I think I saw his son likewise, I cannot say whether he had any arms or not; it rained very hard while we were at the public-house at Codnor: we then marched on the road for Langley-mill. I saw the prisoner several times in his old situation between the Glass-house and Langley-mill, he still continued in the rear; I went beyond Eastwood a little way; I got away about half a mile beyond Eastwood and turned back; I saw the prisoner beyond Eastwood, when I was turning he was going forwards; he was behind the party; the greater part of them had got out of sight over the hill.”

The next witness called is Hugh Booth, a son of Samuel Booth, of Pentridge-lane-end; you recollect it was proved, that Hugh a son of Samuel Booth, was taken from his father's house, and compelled to join this party; he says, “On the 9th of June last, I was disturbed between twelve and one by a party of men who came and knocked at the door two or three times; they called out, I want Hugh, I want Hugh Booth, my father got up and wished them to go without me; they said they would not go without me; that if my father would not get up and open the door, they would break the door down, and shoot him: I got up, and went to the door, and a man offered me a spike to go with them in the ranks; the prisoner said they were going to Nottingham; he was a little way from the door; they said they came from Mr. Fletcher's to our house; the prisoner ordered me to go into the ranks, and I was forced to do so; we went up to Pentridge, and stopped there; the whole body halted at that time; I again asked the prisoner where we were going, he said, it is brought to a head at last, we are going to Nottingham; we then went to John Bright's house, there I had some conversation with the prisoner; I again asked him where we were going, and he said there was a parliament formed at Nottingham, and we were going to guard them; he said, the business will all be done before we get there;”—declaring again, if you believe the testimony of this witness, an object corresponding with that detailed to you, in the evidence of the others, namely, the object of guarding some meeting like a parliament, which it was supposed was to assemble, which could only be by taking the power from

that parliament in whom by the law of the land it is vested, and vesting it in others;—he says, “there was a young man in a blue coat and trowsers, who had a sword, and whose name, I have since heard, is Manchester Turner; he was of the party, and he said they were going to Nottingham to unload the burthen that England had so long borne; this was said at John Bright’s; there was a gun fired just before we got there from Pentridge; we then marched towards Butterley, the prisoner had a large staff with a spike at the end of it; he was walking in the rear, and was very forward in pushing the men along; we went round to Butterley, and halted there; there we saw Mr. Goodwin; William Turner and the Nottingham captain were the leaders of the party; I heard the Nottingham captain speak to Mr. Goodwin; Mr. Goodwin asked him what he wanted, and he said we want your men; Mr. Goodwin told him they should not have them; I went into Mr. Goodwin’s office; I saw the door open while the party was halted, and I walked in and escaped from them, and did not join them again.”—This young man was a person who had been called out of his bed and compelled unwillingly to join their party, and at these Butterley works, seeing the door of the office open, he took the first convenient opportunity which presented itself, went in and remained no more engaged, or appearing to be so, in these transactions.

On his cross-examination, he says, “I carried no arms the whole way; the captain and William Turner were the active men.”

Then the next witness called is George Goodwin, who is the managing clerk of Mr. Jessop’s works, who certainly does give very material and important evidence as it affects the prisoner at the bar; he says, “On Saturday the 7th of June, special constables were sworn in to protect the works.”—It does appear from this, as well as from some circumstances he mentioned afterwards upon his cross-examination, that he had anticipated there might be some attempt to force open the works belonging to his masters, and the first two witnesses who are examined assign that as a reason for not making the disclosure which seemed to have been expected;—he says, “on the 9th of June, at night, while on duty with the constables, we heard guns fired; the first I heard was a little before twelve o’clock, and between that time and day-light I heard three or four guns and the blowing of horns; a great part of the constables were dismissed a little before three in the morning of Tuesday:”—they seemed to have supposed that when day-light arrived there would be nothing attempted.—“Mr. Jessop and myself came down with a party that were armed with pikes to the office; a little before three o’clock I observed George Weightman riding past very quick; I called to him to stop, but he did not; he looked over his shoulder;—you may recollect what the other witnesses told you, that George Weightman was sent to Nottingham on Mr. Booth’s

pony to bring intelligence;—“a few minutes after, I observed about a hundred persons marching on the road from Pentridge in regular military order, two abreast, armed with guns, spears, and pikes, a few had no arms; they marched up to the door of the iron-works, and there stopped and halted; I spoke to the captain, who was at the head of them, and asked what was his object in halting there; he said, we want your men; I told him they should have none; that they were too many already, except they were going for a better purpose; I recognized among them the prisoner at the bar; he was in the front rank, as it was then, what in the march would have been the rear; I said to him, good God, Isaac, what are you doing here on such an errand as this; I urged him to leave them; I told him he had a halter about his neck, and he would be hanged if he did not immediately go home;”—he not only urges him by words to do this, but he endeavours to force him,—“I took him by his shoulders, and turned him with his face towards the office, and pushed him, that he might make his escape into the office; he had an opportunity of escaping if he chose;” he might have done so in the same way which Hugh Booth the young man did.—“The prisoner was much agitated, and said, I cannot go back; I am as bad as I can be; I must go on;”—this is the language which the prisoner at the bar uses when remonstrated with by that friend, who is anxious to give him an opportunity of redeeming himself, if possible, by taking no further part in these transactions;—but he says, “I cannot go back; I am as bad as I can be; it is too late to go back; I must go on.” You will consider whether those expressions do not plainly disclose a mind conscious of all that he was doing, and conscious that he was one of those engaged in that plan of which he spoke, and of which they all spoke.—He says, “I spoke to nearly the same effect to James Taylor; three of them, during the time Ludlam and I were talking, escaped into the office; Booth was one of them. The captain and the party looked at each other for a short time, the captain then gave the word of command, and they marched along the road to Ripley, which is the road to Codnor; the prisoner went off with the first party, and in about a quarter of an hour after I observed another coming from Pentridge; in about half an hour after the second party, I saw William Weightman on horseback, riding in the direction of Nottingham; from him I got a bag of bullets, of about 84 pounds weight;”—this is a preparation of ammunition;—“there might be from 1,500 to 2,000 bullets; there were a great variety of sizes, so as to fit the bore of different muskets and pistols; there were some moulds for cartridges, and paper in the bag fit for the purpose, though not the best.”—It appears that William Weightman was not willing to deliver up this bag to him; he made some resistance, but Mr. Goodwin overpowered him, and took it.

On his cross examination, he says, “I was

surprised to see the prisoner at the bar amongst them; he was a man I had known for several years, and I wished him well;"—that he did wish him well, is plain from the expressions he used, but which had not the effect of prevailing upon the prisoner;—"he was much agitated when I spoke to him; I met with no resistance from him or any of them; I was armed; I had a brace of pistols in my pocket; I considered the prisoner in as little danger as myself;"—he is asked, whether he felt confident of his own safety, and he says, "I considered myself in danger, but I considered if the prisoner had gone, that he would not have been in greater danger than myself; he would have had all the means of safety I had."

Then he says, on re-examination, "I had sworn in an hundred and fifteen or sixteen special constables on the Saturday before, in expectation of an insurrection; they were armed with pikes;"—it was very fit and very proper, that when Mr. Jessop and Mr. Goodwin expected an assault from a number of persons, they should put arms into the hands of their own servants to protect their property from the assault that was expected.

The next witness is John Storer, a farmer at Pentridge; he says, "On the 9th of June I was disturbed after I was gone to bed, about one o'clock, by a body of armed men; they presented a gun at the windows, and threatened to shoot me; I had gone to the window on the first alarm; one of them said, 'Damn your eyes, come and go with us, or we will shoot you.' There were about twelve or fifteen of them; I asked them if there was no excuse; they said, none. William Turner was one of them; he had a gun; he said there was me, a gun, and two or three more in the house, and me and the gun they were determined should go with them; and they would shoot me and all in the house if I would not go; that the captain had just shot Hepworth's man. I told them, I would go with them, if they would give me a little time to dress myself; they told me, that if I did not make haste, they would make me so that I could not go; I cannot say who said that. I finished dressing myself, and I took an old gun, and went to them out of the house; they asked me if it was loaded; I told them, not; they asked me if I had any shot and powder; I told them, a little shot." "They said it did not mean;" (a word, I believe, importing, did not signify) "they should have powder and ball sufficient. We then went on by the yard to a gate leading into the lane; I told them, I was not fit to go, I had been very unwell the day before, and I was not willing to go; I told them I could not carry the gun any further; they said it must go with the baggage; I asked them where the baggage was; they said, they did not know then what they should have; then we went into the lane; they said, they were going to Nottingham; it was a general rising; that twenty-five or thirty thousand were coming from Sheffield; that there would be several hundred

thousands assemble that day; that liberty would be gained, and an end of slavery; this was said by a person in the midst of them, I do not know by whom. They said all must go, or be shot."—I cannot forbear making a remark upon this expression, "liberty would be gained, and an end of slavery; all must go, or be shot." The very first step taken by these people, the first purpose that they are arming themselves for, in the recovery of the lost liberty of the country is, to take away the lives of all those who will not join them, and become parties in their scheme; for they declare, in words, that those who will not join them shall all be shot.—"We stopped in the lane waiting for the captain. They told us, when we got into the lane, they were waiting for the captain and a party down the lane-end. They came up in about twenty minutes; I thought them about a hundred, armed with guns and pikes similar to those on the table; when the body came up, I saw the captain; he carried a very long pike; he ordered the men to fall in three deep; those with guns in the front, and those with pikes behind. The captain and the principal men held a consultation; among them were William Turner, and a young man that appeared to have but one eye, whom they called Manchester Turner, whom they called lieutenant. After they had consulted together, the captain asked whether there were any men that could do their exercise; if they could, they should fall out, and he made non-commissioned officers; some did fall out; I believe some were appointed, but I was in the rear too far off to know. There was an advanced guard and a guard in the rear; the prisoner was to command the rear;"—which is exactly what all the other witnesses have spoken to his doing.—"Then the captain ordered them to march; they proceeded towards Pentridge; they stopped to break open houses, and bring men and guns out at Pentridge. I feigned myself ill; I wished to get from them; they said they would all go in that way; and somebody said, 'shoot him.' The captain appointed two men to take hold of me, each by one arm; they led me in this way up Pentridge, to William Booth's; there they got out his pony, and saddled and bridled it, and then they set me on the pony; I was not willing to go with them, and I fell off; the captain ordered them to face to the right, and march; then they left me, and I saw no more of them."

Upon being cross-examined, he says, "I saw the prisoner frequently; I cannot say particularly whether I saw him just before I got away; they did not ill use me, they threatened to shoot me; I did not see the prisoner at that time, but I have no doubt he was very near, for I saw him frequently at Pentridge. The captain frequently used very violent language towards me. I told him he had better shoot me, then he would have done with me; and he said, 'damn him, leave him, we can do without one;' they went away immediately."

I had proceeded with them about three quarters of a mile. George Weightman was one that put me upon the pony, the other I do not know."—In answer to a question put by me, he says, "I did not know Thomas Turner," it seems by the testimony of Thomas Turner, that he was the other man who gave him a leg up.

The next witness is William Roper. You will observe, that in the evidence which has already been given you, an expectation at least appears to have been entertained by many of the persons engaged in these transactions, that they were to be joined by a considerable party at Nottingham-forest, and at Nottingham; now whether they acted under that expectation, or whether that expectation was well or ill founded, would not make any difference; men who engage in treason are not the less traitorous because they expect others to unite in that treason; nor are they the less traitors because they are deceived in their expectation; but the object on the part of the Crown, in calling forwards this William Roper, is to prove that this expectation of an assembly on Nottingham-forest was not altogether without foundation; he says, "I live on the race course, Nottingham-forest, about three quarters of a mile from the town of Nottingham. On the 9th of June I was returning home from Nottingham about half-past eleven o'clock, a person of the name of Percival was with me; when I got on the Forest, I met, first of all, two men, and afterwards several more, they had no arms that I saw; and then I came in sight of a body, as nearly as I can guess, about a hundred; about ten or twelve of them followed me and Percival, with poles in their hands, brought down to a charge against us, and asked us where we were going; after a conversation they permitted us to go on. After I had got to my house, a number of men came to it, they seemed to be of the same party, and they acted pretty much in the same way; they asked if I had got any fire-arms in the house, I told them yes; they told me I must deliver them up to them; I said, I would not; they said if I did not deliver them up, they should be under the necessity of breaking the door open and taking them by force; I said if they did I should blow out the brains of the first man that came in, let him be who he would; they did not break in; this was about one o'clock when they demanded the arms, and about two they departed."—This therefore does, you see, go, if you give credit to it, to prove that there was, in fact, this very same night, a large assembly of persons at Nottingham-forest, much smaller indeed than those persons whose particular acts have been detailed expected, but still that there was a considerable assembly.

Captain Philips, an officer in the 15th dragoons, says, "I was quartered at Nottingham-barracks on the 9th of June; about ten o'clock that evening two companies of infantry, a part of my troop, with a field officer, were

ordered into Nottingham, in consequence of being sent for by some of the magistrates;"—what was going forward there at that time is not in proof; you are only to take it that they were sent for; "we remained in the town about half an hour; I went in the command of part of my own troop, and there was a field officer who had the command of the whole; at the expiration of that time we returned;" he says, "about half-past six the following morning I was ordered out with a party of men to go with Mr. Rolleston and Mr. Mundy, two magistrates, in pursuit of the rioters; both those gentlemen accompanied me; a magistrate had slept in the barracks all night; we took the Pentridge road. About half a mile before I got to Eastwood, I saw some armed men on the left hand of the road making their escape across some fields; they appeared to be armed with pikes; we pursued them a little way but could not overtake them; we then went on through Eastwood, and between Eastwood and Langley-mill I observed a party of about sixty on the road; the greatest part of them were armed; they were standing in the road, and one man attempted to form them up in opposition to us; but they paid no attention to him, and fled across the fields immediately, some to the right and some to the left. I ordered the dragoons to pursue and to take as many prisoners as they could; I think about thirty-six prisoners were brought in; there were five or six taken armed with muskets, and some with pikes; the rest of the arms, consisting of pikes and guns, chiefly pikes, had been thrown away by the rioters, and were collected and put into a cart, and taken to Nottingham gaol; we examined the guns that were picked up, and found them loaded."

On his cross-examination, he says, "they fled in all directions in the utmost confusion."

Then on being re-examined he says, "some time after that, we met the high sheriff of Derbyshire and the Chesterfield yeomanry."

This is the whole of the evidence that has been laid before you, on the part of the crown, to support the very serious charge which is preferred against this prisoner; no evidence is adduced in answer to it; no witness is called to contradict any fact spoken to by any of the persons examined on the part of the crown, or to impeach the character or credibility of any one of them; but it is contended on the part of the prisoner, and rightly contended, that he is not to be called upon to answer, but that the question is, whether the evidence which you have thus heard, is in itself sufficient to satisfy you, not that he was guilty of riot, of outrage, of breaking open houses, or of any practices of that kind, but that he was guilty of this crime of high treason, in levying war against the king; and if this evidence has not satisfied you that he was guilty of that charge, then without any answer either by evidence or otherwise, you will find him not guilty. He has called one witness, who is the gaoler of this county, and who says, that during the

time the prisoner has been in confinement he has conducted himself peaceably and orderly, and with the greatest affection towards those two sons who appear, according to the evidence, to have been of this party; their conduct, however, is not now the subject of inquiry.

Upon this evidence, you have, as I before mentioned, to consider three questions. Has there been an insurrection? a rising of armed men, marching and committing acts of violence? I can hardly state that to you as a question, because the whole of the evidence conspires to prove it; and indeed the fact is not controverted by the prisoner's counsel.—Next, was the object of these persons to assail and endeavour to overturn the established government of the country? Now what their object was you are to collect, as well from their acts as from their expressions and declarations; what the object of an individual was, is to be collected from his own declarations and expressions, and from his own acts; what was said by others in his absence, and out of his hearing, ought not to affect him, unless what he has himself said and done, shew to your satisfaction, that he too was a party embarked in the same designs as are avowed by others; many expressions of his own, proceeding from his own lips, have been given in evidence against the prisoner, and they are most important for your consideration.—Then the third question is, was the prisoner at the bar a party concerned in that rising, and having the same object? You have heard what he himself said to two of the witnesses, and what they said to one another, “that Nottingham was their object; there was to be a new parliament; they would have little to do when they got there; thousands would join them,” and so on; always expressing a confident hope that the present government would be overturned, and some new system of government established.

It has been urged, that the means which these persons possessed were wholly inadequate to the end they proposed, and that it is absurd to suppose that the government of the country could be overturned by such an as-

sembly of persons as this, even with the aid they expressed themselves to expect; but the question is not, whether their design was likely to succeed, but whether they entertained it. The improbability of success may be used as a sort of argument to show that a person does not entertain a design imputed to him, because in general, it is not likely that a man will entertain a design which there is no probability of his executing; but if you find, from the evidence, that he is actually embarking in that design, and declaring that he entertains it, there is then no room for the argument, which might otherwise be adduced, as to the improbability of its success; if you find he was embarked in it, the improbability of success makes no difference in the crime; they expected, as it appears, a much greater force to assemble than did assemble; they were acting probably on some delusion, whether at the instigation of their own immediate friends, or of others, is not material; the question is not, whether they had ground for expecting success, but the question is, did they or did they not, and particularly did the prisoner at the bar, engage in the acts imputed to him, with the design charged by this indictment; namely, the design of endeavouring to overturn the government: if you think he did, then you cannot otherwise discharge your painful duty than by pronouncing him guilty. You will consider calmly, temperately, and dispassionately, the evidence which has been laid before you; you will weigh the remarks which have been made; you will discharge your duty according to your own judgment, and your oaths; and be assured, nothing can confer upon you greater comfort in life, or better hopes hereafter—nothing can confer any greater blessing upon yourselves, your family, your posterity, or your country, than a faithful, upright, and conscientious discharge of that painful duty which it has fallen to your lot to execute.

The jury withdrew at ten minutes after two, and returned in ten minutes with their verdict, pronouncing the prisoner GUILTY; and that he had not to their knowledge any lands, &c. at the time of the offence committed.

697. The Trial of GEORGE WEIGHTMAN for High Treason ;
before the Court holden under a Special Commission at
Derby, on Thursday and Friday the 23rd and 24th days
of October: 57 GEORGE III. A. D. 1817.*

Thursday, 23rd October, 1817.

[The prisoner was set to the bar.]

The Jury returned by the Sheriff were called over.

John Barton, farmer, challenged by the prisoner.

Thomas Barton, farmer, challenged by the crown.

Robert Millington, farmer, challenged by the prisoner.

George Tuplin, farmer, challenged by the prisoner.

William Allsopp, farmer, challenged by the prisoner.

Peter Buxton, farmer, challenged by the prisoner.

John Oldfield, farmer, challenged by the prisoner.

William Ashmore, farmer, fined 10*l.*; but fine afterwards remitted.

Joseph Gould, farmer, excused on account of illness.

George Banks, miller, challenged by the prisoner.

William Soan, farmer, sworn.

Thomas Lomas, farmer, challenged by the prisoner.

John Rogers, farmer, sworn.

Anthony Broadhurst, farmer, not a freeholder, &c.

Roger Sheldon, farmer, sworn

Joseph Needham, farmer, sworn.

George Bagshaw, farmer, sworn.

Richard Shaw, farmer, challenged by the prisoner.

John Milkwood, farmer; not properly described in the panel.

Richard Thompson, horse dealer, challenged by the crown.

Thomas Travis, farmer, challenged by the prisoner.

John Matkin, butcher, challenged by the prisoner.

German Dean, farmer, challenged by the crown.

John Thomson, farmer, challenged by the prisoner.

Thomas Slater, farmer, challenged by the crown.

Francis Hayne, farmer, challenged by the prisoner.

* See the Preliminary Proceedings at the commencement of the trial of Jeremiah Brandreth, *antè* p. 755.

Wigley Hodgkinson, farmer, sworn.

George Hodgkinson, farmer, sworn.

Nathaniel Wheatcroft, coal merchant, challenged by the prisoner.

John Ward, farmer, sworn.

William Stone, joiner, challenged by the prisoner.

Nathaniel Hall, farmer, challenged by the prisoner.

William Brownson, shopkeeper, challenged by the crown.

John Endor, farmer, sworn.

Thomas Gould, farmer, challenged by the prisoner.

Thomas Deakin, farmer, sworn.

John Bagshaw, farmer, challenged by the prisoner.

Robert Bagshaw, farmer, not a freeholder, &c.

Isaac Bennett, farmer, challenged by the prisoner.

George Holmes, farmer, challenged by the prisoner.

Robert Johnson, mercer, challenged by the prisoner.

Robert Simpson, miller, challenged by the prisoner.

Robert Terrand, grocer, challenged by the crown.

Joseph Hodgkinson, miller, sworn.

Thomas Drinkwater, gentleman, challenged by the crown.

Randle Taylor, gentleman, challenged by the prisoner.

John Barnes, the younger, cotton spinner, sworn.

THE JURY.

William Swan,	George Hodgkinson,
John Rogers,	John Ward,
Roger Sheldon,	John Endor,
Joseph Needham,	Thomas Deakin,
George Bagshaw,	Joseph Hodgkinson,
Wigley Hodgkinson,	J. Barnes the younger.

The jury were charged with the prisoner in the usual form.

The Indictment was opened by Mr. J. Balguy.

MR. SOLICITOR GENERAL.—Gentlemen of the Jury; from the indictment which has just been opened to you by my learned friend Mr. Balguy, you are informed of the nature of the charge which is now preferred against the prisoner at the bar; namely, that he is accused of the crime of high treason; and upon you is imposed the anxious duty of determining,

after you shall have heard the evidence, whether that charge be well founded or not.

It will be my duty in the few observations which I shall have the honour of making to you upon this occasion, to state very shortly my conception of the nature of the charge against the prisoner at the bar in point of law; and then to state, with as much brevity and perspicuity as I can, the facts, which I believe will be proved to you in evidence upon the present occasion. But before I make this statement, let me request you to discharge from your minds any thing that you may have heard in the course of the trials which have preceded the present, to dismiss from your recollection the result of those trials, and to come to the present investigation with free and unbiased minds, resolved to do that which you know it is your duty to do; to decide as to the guilt or innocence of the prisoner at the bar, upon the evidence and the evidence alone, which shall be adduced upon the present charge.

I shall content myself with stating to you, very shortly, what I apprehend that charge to consist of, with all due deference to the high authority under which you are acting, and by which you will be ultimately guided; and unless you find my notions upon the subject confirmed by that authority, you will most properly, when you come to the consideration of this case, dismiss them from your minds, relying, as you are bound to do, upon that authority only. But after the discussions which have already taken place, I consider it the safest and best course, without troubling you with an historical account of the law of treason, or fatiguing your minds with the recapitulation of cases and decisions upon the subject, to state shortly what the nature of the principal charge against the prisoner at the bar is, to which charge you are to apply the evidence.

The species of high treason which it is alleged this prisoner has committed, is levying war against the king; to make out that charge, it will be sufficient to satisfy your minds that there was a general rising or assembly of an armed multitude, that they intended by force to effect some general public object, inconsistent with the government of the country, as established by law; and if that be proved to your satisfaction, it will be, in point of law, a levying of war against the king in his realm. There must be a rising or an assembly of a considerable number of persons. It is not essential (although on the present occasion it will be proved) that such persons were armed, for although not armed, yet if they were in such numbers as to cause such terror and alarm as was likely to effect their object, and their object was treasonable, that would be a levying war, but that circumstance will not be material for your consideration, because the fact is, that there was a multitude of armed persons on this occasion. I say, if it shall be proved that there was this assembly of armed persons, and that they intended by force to effect that which

we attribute to them, namely, an alteration in the constitution as established by law, it constitutes the offence of levying war against the king; and it is the high treason charged against the prisoner upon this indictment.

Having stated to you thus much with respect to the nature of the charge, you will have no difficulty whatever in applying the evidence to it, and be able in the result, to come to a conclusion, whether those things which I state to you are essential to constitute the crime of high treason, appear in the present case; and whether the prisoner at the bar be shewn to be one of those persons so acting against the law, and so bringing himself within the charge now preferred against him.

With respect to the nature of the case, which will be on proved the present occasion, the evidence will probably commence as to transactions which took place on Sunday the 8th of June in the present year; you will find however, from that evidence, that there can be no doubt in the mind of any reasonable person, that although the proof will only be of a meeting on the Sunday the 8th of June, yet that considerable preparations had been previously made to carry into effect the plan which was then finally digested and concluded upon.

The prisoner at the bar, George Weightman, is a sawyer, residing at Pentridge, in this county; and it will appear to you, that on Sunday, the 8th of June, at a public-house in the town of Pentridge, known by the sign of the White-horse, a considerable number of persons were assembled, and a person of the name of Brandreth (who also was called by the persons present the Nottingham captain), was one of those who were so assembled; and the prisoner, George Weightman, will also be proved to you to have been present during the greater part of the morning during which these persons were so met. The whole conversation, and all the deliberations of that morning, were upon a revolution, and an alteration in the government, and how that was to be effected; and it will appear to you that their plan was, that a general rising should take place on the following night, Monday the 9th of June; that persons from Pentridge, from Southwicksfield, from Ripley, and other places in the neighbourhood, should meet on that evening at some point, and proceed to Nottingham-forest, where it was held out to them they should meet a considerable body of men, also having the same object in view; and having united their forces at Nottingham-forest, they were to take possession of the town of Nottingham, and afterwards they should be enabled to prosecute their further designs with ease by going down the Trent, and I believe to London, and to attempt that, which they had in view, an alteration of the government. You will hear that Brandreth had a map before him, on which the places were marked from whence they expected bodies of men to join them; that it was stated upon that occasion, that not only would the persons in this neighbourhood, but persons from the North

also join them on this common expedition ; that they had no doubt of success, and that the following night, at nine or ten o'clock, should be the time at which they were to commence their operations.

The prisoner, George Weightman, will be proved to you to have been present during the whole or the greatest part of these consultations ; and you will judge not only from that circumstance, but from his subsequent conduct, how far he was a party acting and contributing towards the common design. At present it will be sufficient for me to state that upon that Sunday their plan was conversed upon, that the means by which they should procure arms were also considered ; and although it appears that pikes had been in preparation, and had been made by some of the persons at South-wingfield, yet that a paper was then read, containing an account of the different houses at which arms would probably be found on the following night, and that they were to take those arms by force ; and not only arms, but they were to compel all the persons they could to join them upon this expedition, and those who were not willing were to be forced to join their ranks, and march in a common body towards Nottingham.

I will not fatigue you, at this late hour of the day, by stating to you particularly all that passed at that meeting ; you will hear it from the witnesses, from whom you will learn that upon that occasion verses were recited (which will be stated and commented on hereafter) directed and pointed to the common object and design, and to the means by which it was to be executed.

It was arranged that on the Monday night the Pentridge and South-wingfield people were to assemble, the latter at a place called Hunt's-barn ; the prisoner at the bar lived at Pentridge, which is at some distance from Hunt's-barn ; he, however, will be proved to have been present there at the original meeting, and Brandreth the leader, and Turner, who took a prominent part in the transactions, were there with him before they commenced their march on the expedition in question. George Weightman had been previously seen in the town of Pentridge that evening with Brandreth and William Turner ; and it is important to attend to what passed at Pentridge at the time he was proceeding with these persons towards Hunt's-barn ; for you will find by a conversation which took place there, that he was fully aware of the nature of the meeting, which indeed he must have been from having been at a public-house the day before ; his expressions upon this occasion, however, confirm his knowledge of the plan, for he stated to a person, who will be called as a witness, that they expected that evening an engagement at the Butterley-works. These are iron-works in the neighbourhood of Pentridge, and it will appear in evidence that in anticipation of something of the sort which took place on Monday the 9th of June, preparations had been made at those works to prevent their

getting arms, or forcing men out to join them.

From Hunt's-barn the party proceeded towards Topham's-close, where they were to meet a general party from Pentridge. Weightman accompanies them ; and in their way to Topham's-close they begin that system which had been resolved on, namely, attacking houses and demanding arms, and compelling men to join them ; he is present at one or two houses which were attacked in the way from Hunt's-barn to this close ; and during the whole, or the greater part of that way he carried a quantity of bullets, which it was expected they might have occasion to use in the course of their march. Upon their arrival at Topham's-close, they did not meet the Pentridge men as had been arranged, and therefore it was determined that George Weightman, who was a Pentridge man, with some others, should separate from the main body and go in the direction of Pentridge from whence they expected the Pentridge men, in order if he met them to stop their advance, and to take them round by another way to a place called Pentridge-lane-end, where they were to join the main body under Brandreth, who was to proceed in a straighter direction to that point.

Weightman and his party accordingly proceeded in the direction I have stated in order to meet the Pentridge people ; and I believe it will be proved that in his way to Pentridge other houses were attacked and persons were compelled to join that party with which he was then associated, and arms also were taken ; and I believe it will appear to you, that in the course of that march to Pentridge the prisoner took a very active part. I will not detail to you now the circumstances, because I think it better that you should hear them from the witnesses than receive any possible prejudice from any statement I shall make ; but it will be proved, that in their march to Pentridge, persons were forced to join them, and that Weightman took an active part in compelling them so to do.

The Pentridge party were to proceed, as I stated, to Pentridge-lane-end, where they were to meet the other party under Brandreth ; it will appear to you, however, that Weightman went to the town of Pentridge, and there probably deposited the bullets at some house, because he afterwards joined them in their march from Pentridge without the bullets.

Brandreth's party proceeded in their course to a house occupied by a man of the name of Hall ; from thence to the houses of persons of the names of Walker and Bestwick, to Samuel Hunt's, to Mary Hepworth's and other places, and during their whole progress they were attacking the houses where they expected and where it appeared, from the accounts given the day before, they knew there were arms. You will find they demanded arms on one occasion at Mr. Fletcher's ; he said he had no arms ; they insisted he had, and compelled the production of a pistol ; but what I wish to state is, that during their march they pursued the per-

pose of compelling the production of arms and forcing persons to join them, as agreed the night before; and although the prisoner was not present at that part of the transaction, yet I can state to you with confidence that if he shall be proved to be a party in the general common object, and was pursuing that object elsewhere (as he was in his way from Topham's-close to Pentridge) he is equally answerable for the acts of Brandreth and his party as if he were present, and therefore it is most material for you to see in what manner these different parties were proceeding, whether Weightman was present at all the transactions or not.

The party having by force and by most violent outrages, and most cruel acts, compelled the production of arms, and forced some persons to join them, proceeded towards Pentridge, where they were met by George Weightman, who had before carried the bullets thither, and had probably deposited them there. He then joined them, and they proceeded up Pentridge, pursuing the same course; assailing in the dead of night the peaceable inhabitants, rousing them from their rest, and compelling them to give up what arms they had; and in many instances forcing the inhabitants to join the party. Weightman is with them, and you will see what he does as they proceed further in their expedition.

I stated to you, that it was expected by this party that they should meet a considerable body of persons at Nottingham-forest, at an early hour on the following day; it was therefore most important, finding as they must have done, that by the outrages which they committed and the resistance they met with, they were delayed in their progress, to despatch somebody from Pentridge to Nottingham, to see how matters were going on there, and also to intimate the cause of the delay in their arrival there. A pony is taken by the prisoner Weightman, belonging to a person of the name of Booth, at Pentridge town, and he was despatched to Nottingham, for the express purpose, as was stated at the time, of procuring tidings of what was going on there at that time; and he was to return and meet the party at Langley-mill, which is in the road from Pentridge to Nottingham.

He accordingly mounted the pony, and rode off in the direction of Nottingham; of course by this step he is absent during the proceedings which subsequently take place; but, as I before stated to you, if you are satisfied that he was a party in the common design, and that he was lending all the aid and assistance he could to it, the acts which were done in his absence are evidence against him; and therefore let it not be said, that because he is absent, therefore the outrages which were done are not to affect him. In a transaction of this sort, in a scheme of this description, it must necessarily happen, that persons have different duties assigned to them. Some men are to command the forces, others are to procure intelligence, all of them however are to lend their best assistance to the

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common object; and, therefore, a man like Weightman, who is despatched in order to procure information to aid them in that which they have in view, is as culpable as the man who is left behind to head the party in his absence.

But his going to Nottingham, and what subsequently took place, form another feature in this transaction, because it shews his will, his mind, his intention on the present occasion; and therefore there can be no excuse for him, as there is for some who had arms forced on them, and were compelled to join this party; but he took a voluntary part, and did that which no force could compel him to do; because when mounted on the horse he might have left them; but he proceeded, and did that, which, if he is guilty, greatly enhances his guilt. He returned and stated to them that which unquestionably was not true, which he must have known was utterly false, and which, therefore, could have been stated to them for no other object than to keep up their spirits, and induce them to continue in that scheme and plan which they had originally formed; for on his return you will find there was an anxiety displayed by many of the persons to know how things were going on at Nottingham, for Tuesday morning had then arrived; it was seven or eight o'clock; they were anxious therefore to know whether their expectations were to be fulfilled, and whether they were to meet this body at Nottingham; and you will find, that upon their inquiry he rides along the ranks, and tells them to keep up their spirits, and march forward; that Nottingham had been taken, the soldiers would not move from their barracks, that all was well, and therefore that they should press forward with as much expedition as they could. Gentlemen, all this was utterly false; Nottingham had not been taken, the soldiers were not afraid to proceed from their barracks. It was a complete fiction, and could only be invented to keep up the spirits of the party, which at that time, after a march of many miles, during a wet and stormy night, were drooping, and to induce them to continue in the scheme they had formed. True it is, that at two o'clock, in Nottingham-forest, a body of men assembled as had been expected; but it is true also, that before Weightman could have arrived they had dispersed.

Soon after his return, although many of the persons with Brandreth and Turner continued to march on their way to Nottingham; yet others became disheartened, fell off by degrees, till at last, on the appearance of some troops under captain Philips from Nottingham, although there was an attempt by one man to form some of them in the road with an appearance of resistance, yet they dispersed in all directions, and threw away their arms, which were collected by the soldiers, and a great number of the party were taken prisoners in the course of that morning.

Having stated to you these facts, will they, if proved, leave any room for you to doubt

about an insurrection upon that night? there can be none; it will be proved beyond all contradiction; their object will be proved with equal clearness; you will find it by their declarations, you will see it as strongly by their acts, you will learn by their declarations, that they intended (wild as might be their scheme), to overturn the present government if they could; and you will recollect that you are not to consider upon the present occasion whether this was a wise and well-digested scheme on their part, whether it was probable they could effect their purpose, whether the number of the persons or of the arms was adequate to the intended effect—that is not the question; but the question is, whether they had the intention imputed to them, did they act upon that intention, and was George Weightman acting in concert with them in prosecution of their common design.

As to George Weightman, the unfortunate prisoner at the bar, you will find him at the meeting on Sunday, you will find him one of the first to assemble on Monday night at Hunt's-barn with the captain and other persons; you will find him proceeding till it was convenient for their purpose to detach him from them; and on their arrival at Topham's-close, his leaving them is not a voluntary act of his to remove himself from the party, but with a view to direct the Pentridge people in the way, and to join Brandreth again; and it is confirmed that he did not want to secede from them, since he joined them at Pentridge town, and attacked with them several houses, and afterwards performed that important office of going to Nottingham to procure information, and of returning to meet them in the way I have described to you.

If these facts are proved, and I think they will be proved, the case I apprehend will be clearly made out against the prisoner at the bar; but, as I before stated to you, your judgment is not to be swayed by anything which I have had the honour of addressing to you, but you are to draw your conclusion from the evidence; and if I state anything which is not proved, dismiss it from your minds; if you think the inferences I have drawn from his acts are too strong, dismiss them also; but if upon a calm review of this case, you find the facts proved by satisfactory testimony, if you find the conduct of George Weightman to be such as I have depicted to you, then it will be for you to say whether there has not been an insurrection, whether the object of that insurrection was not the overthrow of the government, and whether George Weightman was not a participator and an actor in that scheme.

I will not now fatigue you with any further observations upon this case, my only object I can assure you has been, to state clearly and with precision, the nature of the charge against the prisoner; to state to you also, without embellishment and without any argument beyond that which the facts require, the nature of the evidence which will be adduced against the

prisoner at the bar. It is in my apprehension a plain case; it will however be for you in the result to determine whether I am mistaken in that or not; you will judge when you have heard the evidence, whether that evidence does come up to the statement which I have made; if it does, and if it proves the charge against the prisoner on this indictment, then as I stated in the outset dismiss from your minds every thing that has passed on these trials; look neither backwards nor forwards beyond the verdict you are now to give; satisfy your minds and consciences in pronouncing that verdict; and if you do, I am perfectly confident you will satisfy the justice of the case.

EVIDENCE FOR THE CROWN.

Anthony Martin sworn.—Examined by
Mr. Sergeant *Vaughan*.

Were you in the service of Messrs. Jessop, at the Butterley-works, in the month of June last?—Yes.

Did you on Sunday morning, the 8th of June, go to Pentridge?—Yes.

With whom?—John Cope.

At what time of the day?—Between nine and ten o'clock.

At what time did you arrive there?—About nine or ten o'clock.

Where did you go to?—We went to Nanny Weightman's croft, and sat down there.

Is that the mistress of the public-house, the White-horse?—Yes.

That is behind the White-horse?—Yes.

How came you to leave the croft?—There was a little girl came and spoke to us to go into the house.

In consequence of a message you received, you went into the house?—Yes.

When you went into the house, what room did you go into?—Through the house into the parlour.

When you went into the parlour whom did you find there? how many people were assembled at that time?—There were about six or seven people.

Can you tell us the names of any of them?—There was Brandreth there.

The Nottingham captain, as he is called?—Yes.

Who else?—Ormond Booth, and Joseph Weightman, and George Weightman.

Mr. Justice *Holroyd*.—By George Weightman, do you mean the prisoner?—Yes.

Mr. Sergeant *Vaughan*.—When you speak of him in future call him the prisoner. Anybody else?—There was his brother Joseph; he lived there.

Do you know whether George lived at the house or not?—I cannot say whether he did or not.

Do you remember any other names?—No.

What were they talking about? who was taking a lead in the conversation?—Brandreth.

What did you hear him say?—He was talking about the revolution, and of overturning the government.

Mention, as nearly as you can, the expressions that were used: what did he say?—He was talking about which way they must proceed.

Proceed to do what?—There was nothing could be done excepting by the overturn of the present government.

What further did he say?—He was delivering out some verses about the government.

Who was delivering out some verses?—Brandreth.

When you say he was delivering out some verses about the government, do you mean he was handing them about, or repeating them?—He repeated them, and gave them to different persons.

Did he repeat them more than once?—Yes. Do you remember any of those verses?—Yes.

Repeat them?

“ Every man his skill must try,
He must turn out and not deny;
No bloody soldier must he dread,
He must turn out and fight for bread;
The time is come you plainly see,
That government opposed must be.”

You say the conversation was about the government and the revolution?—Yes.

Was there any thing said as to the meeting, or what was to be done or not?—Yes, they were to meet on Monday night.

Who said so?—Brandreth.

Brandreth said they were to meet on the next night?—Yes.

To meet where, and for what purpose?—To overturn the government.

Was there any thing said about arms or any thing?—Yes.

What was said about arms?—Turner brought a list.

At what time did Turner come in?—Perhaps it might be one o'clock.

Which Turner?—William Turner.

Mr. Justice *Holroyd*.—Had the prisoner continued in the room all this time?—No, he was not in the room all the time.

Mr. Sergeant *Vaughan*.—He was in and out?—Yes, he was out the greatest part of the time.

Was he frequently in and frequently out?—He was in in the morning when I went in, but he went out soon afterwards and continued out for a considerable time, and then came in again.

Was he there during any part of the time when Brandreth was talking about a revolution and the government, and what was to be done?—I cannot really say whether he was there or not when he was speaking those words.

Do you remember whether he was there when Brandreth said anything about the government?—Yes, he was there when he was talking about it.

Was any map or anything produced?—Yes, Brandreth produced a map.

Do you remember whether the prisoner was in the room at any time when that map was produced?—I cannot recollect whether he was or not.

How often might he be in and out of the room during the time you were there?—He was in and out two or three times.

Did he sit down when he was in the room?—Yes.

What I want to know is, whether he came in to wait upon the company, or whether he was in there and sitting down with the company?—Part of the time he was waiting upon the company.

What relation is he to Mrs. Weightman who keeps the house?—He is her son.

You say he did wait upon the company, but he sat down at other times; whom did he talk with when he was there?—He was talking with Ormond Booth in general; he went away with Ormond Booth just after dinner, and stayed away the remainder part of the day while I was there.

Do you know whether he had any conversation with Brandreth?—I cannot say that he had whilst I saw him.

Whilst he was in the room was anything said about Nottingham?—Yes.

State to my lord and the jury what was said about Nottingham whilst the prisoner was in the room?—There was some money gathered for Joseph Weightman to go to Nottingham.

Was it stated what he was to go to Nottingham for?—He was to go to Nottingham to see whether they were all ready there; whether all was right and ready.

Mr. Justice *Holroyd*.—Was that said?—Yes.

Mr. Sergeant *Vaughan*.—It was said that he was to go for that purpose, to see whether they were all right and ready?—Yes.

How were the expences of Joseph Weightman, who was to go, to be paid?—There was some little money gathered in the room to bear his expences.

At the time that you are speaking of?—Yes.

When was he to go?—He was to go on the Sunday, directly, and come back on that day and let them know.

For what was this map produced by Brandreth?—He pointed out different places where they were to meet and to go to; I believe the places were pricked out on the map by crosses.

Can you state any further conversation that took place about what they were to do? where were they to go?—They were to go to Nottingham, and to take the town.

What were they to do then?—They were to return back to the barracks which they had pointed out.

Where were the barracks?—At Butterley.

What was to be done at Butterley?—It was to be made a barracks of.

Was anything said about a rising, or who was to rise or expected to rise?—Yes, they talked of a regular thing throughout the country.

Was there anything said about who were coming?—They expected all the northern parts were coming that morning they said.

And you say it was expected to be a regular thing throughout the country?—Yes.

Was anything said about success or failure, or what was to become of it?—Yes, they were to go and overturn the government.

You say William Turner came in there; who came in with him?—Isaac Ludlam.

Upon William Turner coming in with Ludlam, was there anything said about arms?—Yes.

What was done when Turner came into the room and spoke about arms?—He wanted to know where the list of the arms was belonging to Pentridge and Ripley.

Who wanted to know that?—William Turner.

What answer was made to him upon making that inquiry?—They said they had no pikes, but they had a few guns.

Who said that?—Several of the company.

Did they say where the pikes were?—Yes.

Where?—They lay in a stone quarry.

Mr. Justice *Holroyd*.—I thought he said they had no pikes.

Witness.—They had no pikes in Ripley and Pentridge, but they had a few guns.

Mr. Sergeant *Vaughan*.—What was said about Wingfield? did Turner produce any thing?—Yes, he produced a list of the spikes and the swords and guns in Wingfield parish.

When he produced this list, what did he do with it?—He gave it to Ludlam, and Ludlam read it.

Isaac Ludlam the elder?—Yes.

He read it to the company?—Yes.

What was this that he read?—It stated where the guns were, and where they had to fetch them from the different people's houses.

Did he state the number?—Yes, he stated the number as well, the number of guns at every house, where they had to fetch them from.

Do you remember the names of any gentlemen's houses that were mentioned?—Yes, some of them; Master Stirley's for one.

Stirley, or Stelley?—Stelley I believe.

Any others?—George Godber's, Robin Brickshaw's.

Was anything said about vermin?—Yes.

What did you hear said?—Turner said the Wingfield people had some vermin to kill in their own parish, and they must kill it before they went out of it.

Was any name mentioned?—No; I cannot recollect there were any names mentioned, that I heard.

Was anything said about a badger?—Yes;

he was talking of a plan about drawing the badger.

Who was?—Turner.

What was his plan of drawing the badger?—It was to lay a bundle of straw in the yard before the door, till the badger came out.

What was to be done with the straw?—They were to set it on fire, and then they were to shoot the badger if he came out.

Was anything said about the Wingfield people, their preparations, or their more or less of forwardness?—Yes; Turner said, he thought the Wingfield people were the forwardest of any people about, for they had even turned out to get pike shafts in the day-time.

Was anything said about Butterley?—Yes; Turner asked the Butterley people whether they would go and assist the Wingfield people.

Assist them in what?—In killing the vermin; an objection was made that they should have enough to do with their own. Weightman was not there when all this was mentioned.

Was he there at intervals when part of the conversation took place; or do you mean that he only heard what you have already stated?—I cannot say that he heard anything of what Turner said.

What further conversation took place there?—I cannot exactly say.

Was anything said about the tide?—Yes; they said they might as well try to stop the tide, as try to stop their proceedings.

That who might as well try to stop the tide?—Government.

I believe you were a special constable?—Yes.

How long were you sworn in a special constable before this Sunday?—The night before.

For what purpose?—To defend my master's property.

To defend the works at Butterley; Mr. Jessop's property?—Yes.

Did you, whilst you were in the room, make any observations about their proceedings, or what they were talking about?—Yes; I told them to mind what they said; and they said they would cram me up the chimney if I said anything about it.

Do you remember who said that?—I cannot say exactly which it was said that.

Was anything else said to you besides cramming you up the chimney?—No.

At what time did you leave the room?—Between three and four o'clock.

Who was it that said he would cram you up the chimney?—I cannot say who it was.

Was the prisoner in the room at that time?—I cannot say whether he was or not; they were talking about that in the morning; he was not gone out, I believe.

You believe he was not gone out of the room when they were talking about that?—No.

Mr. Justice *Holroyd*.—Do you know whether he was or not?—He was not gone out, I am sure.

Mr. Sergeant *Vaughan*.—Do you mean, then, that he was in the room?—Yes.

Mr. Justice *Holroyd*.—You recollect now that he was in the room?—Yes, he was in the room.

Mr. Sergeant *Vaughan*.—On Monday night were you alarmed during any part of the night at the Butterley-works?—Yes.

About what time on the night of the 9th, or the morning of the 10th?—Between three and four o'clock on the morning of the 10th.

Were you gone to bed?—No.

How came you to be up?—We were ordered on guard by Mr. Jessop.

You told us you were sworn in on the Saturday night as a special constable?—Yes.

How many of you were upon guard?—I cannot say how many.

Were there many men?—Yes, I dare say thirty or forty, or more.

Was Mr. Goodwin there?—Yes.

Did you see anything of the prisoner at the bar at Butterley?—No.

Anthony Martin cross-examined by
Mr. Cross.

His mother was the landlady of this public-house which you have spoken of?—Yes.

And he occasionally acted there as waiter?—Yes, he used to fill some little liquor there.

Shirley Asbury sworn.—Examined by
Mr. Clarke.

Do you live at Pentridge?—No, at Greenwich.

Is that in the parish of Pentridge?—No, in the parish of Ripley.

What is your employment?—Engineer.

Where at?—At Mr. Jessop's-works.

At the Butterley-works?—Yes.

Do you recollect on Sunday the 8th of June, taking a walk with a person of the name of Elden?—Yes.

Do you know the White-horse at Pentridge?—I do now but I did not before.

In the course of your walk that morning, did you go into the White-horse at Pentridge?—Yes.

At what time in the morning was it?—It was about twelve o'clock.

Twelve at noon?—Yes.

What did you go in there for?—We went in there to have a pint of ale.

What room did you go into?—We went into the kitchen.

How long did you continue in the kitchen?—It might be about half an hour.

Did you then go into any other room?—Yes.

What room?—The parlour.

How came you to go out of the kitchen into the parlour?—Mrs. Weightman went into the parlour, and told them there were two Butterley chaps in the kitchen, and to know whether they had any objection to their coming in.

She told the persons who were there?—Yes.

What answer did you hear the people in the parlour give to that question of Mrs. Weightman's?—That they should have no objection; that there was nothing there as a secret.

You heard them say that?—Yes.

Did you go in?—Yes.

You both went in?—Yes.

How many persons do you think there were in the parlour, when you went in?—There might be about twenty.

Was it nearly full?—Yes.

Do you recollect the names of any of the persons that were in there, when you went in?—Yes.

Tell me some of them?—There was Brandreth, Cope, Anthony Martin, Mac Kesswick, John Moore, and Edward Moore.

Do you know the prisoner, George Weightman, by sight?—Yes.

Did you see anything of him in the room?—Yes.

Was he there when you went in, or did he come in afterwards?—He was in when I went in.

You say Brandreth was there?—Yes.

What did they call Brandreth?—Captain.

Was it said where he came from?—From Nottingham.

Where was he sitting?—He was sitting just fronting the door, with his back towards the door.

Had he a table near him?—Yes.

Did you hear what they were talking about when you went in, or at any time when you were there?—They were talking about a revolution.

What revolution?—That was to take place the next night.

Do you recollect what they said about it; what they were to do?—They were to go to overthrow the government.

Who were to go to overthrow the government?—No, they did not say who was.

Was anybody to come to assist them?—Yes.

Mr. Denman.—He has not said who were to do it.

Mr. Clarke.—I asked whether any persons were expected to come to join them?—They wanted the Butterley people to come to join them.

Was anything said about their meeting; where they were to meet?—No, I cannot recollect where they were to meet; they were to meet at ten o'clock the next night.

Do you know who were to meet; what places were to meet the next night?—They wanted the Butterley people to meet them; and Cope told them they had enough to do at home, and could not meet them.

Was anything said about the Wingfield people?—Yes; the Wingfield people were to meet them.

Do you recollect whether any Wingfield people came into the room whilst you were there?—Yes.

Who were they from Wingfield that came in?—William Turner and Ludlam.

What Ludlam?—Isaac Ludlam.

Old Isaac Ludlam?—Yes.

Did they either of them say anything or do anything?—They said they had no doubt they should succeed in what they were going to undertake.

What was it they were going to undertake?—To overthrow the government.

Had Brandreth anything before him?—He had a map.

What did he do with that map?—He was pointing and pricking out places where they were to meet, and which they were to take.

Did you hear of any place in particular which they were to go to take?—Nottingham.

And what were they to do when they had taken Nottingham?—When they got to Nottingham they were to have plenty of rum and one hundred guineas each.

What were they to do, supposing them to have taken Nottingham?—They were to go to London to overthrow the government.

Were they to go to any other place?—They were to go to Newark from Nottingham; they said it would be like a journey of pleasure to Newark from Nottingham, down by the Trent boats.

Did any body produce any paper?—Yes, William Turner.

Had Turner made any inquiry about any arms before he produced that paper?—He wanted to know where their list was, the list of the Butterley chaps was.

A list of what?—A list of their arms.

You have said that William Turner produced a paper?—Yes.

What was done with that paper?—He gave it to Ludlam.

Did Ludlam read it?—Yes.

Aloud?—He read it so as almost every one might hear it.

What was it that he read?—It was concerning what guns such and such people had, and which they meant to have.

What people were they?—I cannot recollect what people they were.

Where did they live, did you understand?—I was a stranger there at that time.

Was it said in what parish they lived?—I do not know where they were to have them from, but such and such people had them.

Was it expressed what parish those arms were in?—No, I cannot recollect that it was.

That was read by Ludlam out of the paper which he received from William Turner?—Yes.

Did the Pentridge people produce any list of arms?—No, the Wingfield people produced that paper.

Mr. Justice *Holroyd*.—Turner was a Wingfield man?—Yes.

Mr. *Clarke*.—Was any thing said about any arms in Pentridge?—I did not hear that there were any arms in Pentridge; Turner said,

there were a quantity of spikes in a stone quarry for men that volunteered.

Do you know what number was mentioned?—About forty.

Was there anything said about killing vermin?—Yes.

Who said that, and what was it?—It was Turner said that; he said they had vermin to kill, and every parish should kill its own vermin.

Did you hear anything said about a badger?

—Yes, they said that they should draw the badger.

Who said that?—William Turner.

How?—They were to take a bundle of straw and set it on fire before his door, and when he came out they were to shoot him.

Who was this they were to shoot?—Colonel Halton.

Did you hear Isaac Ludlam say anything about Nottingham?—No, I do not recollect hearing Isaac Ludlam saying anything about Nottingham.

Do you recollect whether there was any poetry recited?—Yes.

By whom?—Brandreth.

Do you recollect what the verses were?—Yes.

What were they?—

“Every man his skill must try,
He must turn out and not deny;
No bloody soldier must be dread,
He must turn out and fight for bread;
The time is come you plainly see,
That government oppos’d must be.”

I think you said there were about twenty persons in the room?—Yes.

Did the same persons continue there, or was there a change of persons?—Some came in and some went out.

Was there any secret made of this conversation which they held in this place?—No.

Do you remember a person of the name of Mac Kesswick coming in?—Yes.

Can you tell me whether he knew the captain or not?—Yes, he knew him, he came part of the road with him from Nottingham.

He said so there, did he?—Yes; when he first came in he said he thought there were too many there for that business.

What sort of spirits were those persons in that were talking in this way?—They were in good spirits; they said they had no doubt they should succeed in what they were going to undertake.

Do you recollect Joseph Weightman being there?—Yes.

Was he to do anything?—Yes, to go to Nottingham to see how they were getting on.

Which Joseph Weightman was it?—It was not the brother, I understood afterwards.

A person of the name of Joseph Weightman?—Yes.

Was it an elderly man?—No.

He was to go to Nottingham to see how they were going on?—Yes.

When was he to go?—He was to go as that night.

When was he to come back?—The same night, I suppose.

Was anything given or got from the company for him to go?—There was sixpence a-piece gathered round from every one who liked to give.

Did you give a sixpence?—Yes; I did not know what I was giving it for.

You were asked for sixpence which you gave, but you did not know what you were giving it for?—No.

Did you understand afterwards what that sixpence was collected for?—Yes; to supply him with money to go to Nottingham.

Did you hear anything said about gunpowder?—Yes, there was a barrel of gunpowder that Brandreth wanted to produce, so that he might learn them how to make cartridges; as for lead, they could get plenty upon the road, off churches.

Shirley Asbury cross-examined by
Mr. Denman.

Was Martin gone when that was mentioned about the lead?—I cannot recollect whether he was gone or not.

Just look at this young man, and tell me how soon he came into the room after you got there?—He was in when I first went.

How long did he stay?—I cannot say how long he stopped after I went in, he went in and out to fetch drink.

Was he there when the verses were spoken?—I cannot say that he was there at the time that the verses were spoken.

Was he there when the talk was about the badger?—He went away in the afternoon.

He did not go away in the morning?—He went away soon after he had had his dinner.

He dined before he went, did he?—Yes, I believe he did.

At what time did he dine; did he dine with the rest, or separately?—I cannot tell whether he dined with the rest, or not.

You say, he went after dinner, and you saw him dine?—It was after my dinner time that he went.

Did he dine with the rest, or did he not?—I did not see the rest dine.

Did you see him dine?—George.

Yes, George?—No, I did not see him dine. I thought you said, he went away, after dinner?—It was after my dinner.

Did you dine?—Not there.

Where did you dine?—Not any where.

Was Cope talking about the badger?—Not that I heard.

You did not hear him say anything about that?—No.

Nor about the vermin?—No.

How were they to go from Newark to London?—I do not know how they were to go; they were to go from Newark to London, they did not say how.

You are sure they were to take Newark?—Yes.

Was there to be a parliament at Newark too?—I did not hear them mention anything about a parliament at Newark.

How were they to take that?—They were to take it by force.

Be so good as to tell me what force they were to take to Newark?—I do not know how they were to take it.

Who said they were to take Newark by force?—Brandreth.

But he did not say what force was to be used?—No, I do not recollect what force was to be used.

Did he say so?—Yes.

What?—He said they were to take Newark.

What reason will you give to-day, for not having mentioned this to a magistrate or your master before?—Because I was not asked it before you asked me.

Asked what?—What I have told you.

I ask what reason you will give to-day for not telling a magistrate or your master of this intended rising?—Because we told them there were constables in the room, and they must mind what they said; and they said they would cram us up the chimney, if we said any thing. I did not know I was to go to people's houses to hear what they had to say; I was not sworn in on that account, I was sworn to protect my master's place.

So because you were not to go about to houses to hear what people had to say, having gone by accident to this house at Pentridge, and having heard all this business against the government and your master, you did not think it your duty to mention any thing about it?—We dare not mention any thing about it.

You did not know it was your business, you say; was it that you dare not mention it, or you did not think it was your business?—I dare not mention it.

It was your business, but you were afraid to do it?—I was afraid from what they said.

Did you think it was your duty to mention it or not?—Whether I thought it was my duty or not, I did not mention it.

Did you think it was your duty to mention it, or did you not?—When they said what they did, I did not think it was my duty to mention it; when they said they would murder any body who said any thing about the concern.

Who said they would murder?—Brandreth and Turner.

At what time of the day?—I cannot exactly remember the time of the day.

Was that before or after the dinner you have talked about?—After dinner; it was nearly dinner time when I went, it was twelve o'clock.

This was generally known that there was to be such an attack at Butterley?—Yes, then it was; it was not known before that time, I suppose.

Then if you suppose it was not known before that day, I suppose that you could not abstain from telling your master, because you thought he knew it?—I did not tell him.

I ask about the reason?—The reason I did not tell was, because they said they would murder any body who said any thing about it.

It was not because you thought he knew it originally?—The reason I did not mention it was, because they said they should murder any body who said any thing about it.

Among other reasons was that one, that you thought your master knew it before, and that it was generally known?—I do not know that it was known before.

Mr. Justice *Holroyd*.—He says it was known then, but he did not know that it was known before.

Mr. *Dennam*.—You knew nothing at all about it before?—No.

I should have thought you had been glad to get rid of it as soon as you did know of it, but you kept it all to yourself?—Yes, I thought it the best way.

I do not know whether my learned friend asked you, how the government was to be overturned?—I do not know how it was to be overturned; it was to be overturned, as they talked.

Was it not mentioned how?—By the forcement that was to go.

What was the forcement to do to overturn the government?—I do not know; that was the term that was mentioned.

That they were to overturn the government?—Yes.

Shirley Asbury re-examined by Mr. *Clarke*.

You were talking about dinner, am I to understand you to mean the actual dining, or the dinner hour?—The dinner hour.

James Shipman sworn.—Examined by Mr. *Gurney*.

Do you live at South-wingfield?—Yes.

Were you standing at the door of the house at which you lodge on the evening of Monday the 9th of June last?—Yes.

At about what time?—At about half past eight.

Did you see the prisoner at the bar, George Weightman?—Yes.

Was he alone, or in company with any other person?—He was in company with a strange man.

Who did that strange man afterwards turn out to be?—They called him Jeremiah Brandreth.

Did either of them say any thing to you?—Yes.

Which?—George Weightman says, come along.

To you?—I cannot say whether it was to me, he spoke that way.

Upon his saying that, did you go near him?—I was taking a step towards him, and I asked them where they were going, and the strange man advanced towards me and began to tell me.

Was George Weightman near him at the

time?—George Weightman stood in the same position where I saw him at first.

The strange man began telling you where they were going?—Yes.

What did Brandreth then say?—He said they were going to an old barn, up in the fields; that there was a meeting there of the towns of Wingfield, Crich, Pentridge, and Alfreton.

What more did he say?—He said there were arms and ammunition there for as many as went, and more would be taken on the way as they went to Nottingham; he said there would be a band of music meet them on their way to Nottingham; and he said there would be thousands of men to meet them on Nottingham Forest.

Did you ask him any question upon that?—I asked him what they would do for provisions, for something to eat when so many thousands were got together.

What answer did he give to that question?—He said there would be bread and beef, and half a pint of rum for every man.

Did he say where they would have this beef, bread, and rum?—When they got to Nottingham Forest I understood.

What did you say to him next; did you ask him any thing about the women?—I asked him what those poor women were to do; there were a vast number standing about; I asked him what the poor women and children were to do when the husbands were gone.

What answer did he give you?—He said there would be a provisional government formed at Nottingham, and they would be sent down to relieve the wives and children of those who were gone away.

Did either of the women say any thing upon this?—There was an old woman stood near to Brandreth, as he is called, and tapped him on the shoulder and said, "my lad we have got a justice of the peace here."

What did Brandreth say to that?—He says you will have a different one than that one, who will allow you plenty.

Did he speak about any thing from the North?—Yes, he said that clouds of men would come down from the North and take all before them, and those that refused to go would be shot.

Did he say any thing about guineas?—He said every man who would volunteer would have one hundred guineas.

Where?—When they got to Nottingham Forest.

After all this did Brandreth and George Weightman leave?—George Weightman was not near me, but Brandreth left me.

How near was George Weightman to you?—He must be about fifty yards off.

At last did George come towards Brandreth and you?—He shifted, I cannot say whether he came any nearer or not.

Did he say any thing to Brandreth?—He said "come along, we are now half an hour too late;" that was all that I heard George say.

Upon George Weightman saying that to Brandreth, did Brandreth say any thing more to you?—He told me to come along, and I should have a good gun.

What answer did you make?—I cannot justly say.

Did you go with him or refuse to go?—I told him as I did not like the proceedings, or something of that sort.

After that did they both leave you?—They left me, and George Weightman was a little in front; I cannot say whether they went together.

Did they go the same way?—Yes.

And that you think was about half past eight?—Yes.

Did they go in the direction toward Hunt's Barn?—They went along the passage that leads to the road that goes to Hunt's Barn.

James Shipman cross-examined by *Mr. Cross*.

Was the prisoner near while Brandreth had that conversation with you?—He was not nigh when the conversation passed.

Then you cannot in short take upon yourself to say that he heard that conversation?—No, I think he could not.

Thomas Turner sworn.—Examined by *Mr. Gurney*.

In the month of June last did you live with your father, near South-wingfield?—Yes.

I believe you have been taken up on this business, and have been in confinement from that time?—Yes.

On the evening of Monday the 9th of June, at about what time did you leave your father's house?—Nine o'clock, or a little before it might be.

In company with whom did you leave it?—Samuel Ludlam and John Walker.

Did you go up the village?—Yes.

How far?—Only as far as the Meeting-house, not into the village.

That I believe is near colonel Halton's gates?—Yes.

Whom did you see there?—We saw George Weightman and William Turner.

By George Weightman do you mean the prisoner?—Yes.

And any other person?—Yes; but I did not know who it was.

Do you now know that that other person was Brandreth?—Yes.

What had they?—Guns.

Each?—Yes.

What was William Turner doing with his gun?—He was loading it.

What with?—With the bullets.

Did George Weightman say any thing to you?—Yes.

What did he say?—He said, "Come, lads, I expect an engagement very soon."

Where, did he say?—At Butterley.

Did he say with whom?—Jessop's men.

Did he say any more?—No.

Were you told then any thing where they

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were going to?—Yes, William Turner told us we must go to this barn.

By this barn, what barn do you mean?—Hunt's Barn.

You say you did not then know who Brandreth was?—No.

Did you ask any body who he was?—Yes.

Whom did you ask?—William Turner.

What answer did he give you?—He said that is our captain from Nottingham.

Where did the prisoner and Brandreth and Turner then go?—To the barn.

Did you and your two companions follow them?—Yes.

Did you find any persons assembled at the barn?—We did not go to the barn, but we could see them there.

How many in number do you think?—There might be about a score or more.

Were they armed or unarmed?—Armed.

In what way?—Different ways; with pikes and guns and swords,

Was William Barker one of them?—Yes.

John Hill?—Yes.

Was Robert Turner one?—Yes.

Was Manchester Turner one?—Yes.

And Charles Swaine another?—Yes.

Were those all armed whom you have named?—Yes; without it was Robert Turner, I cannot say as to him.

Were there any more arms there than those men had in their hands?—Yes, there were a few by the hedge-side.

What were they?—Pikes.

Did Brandreth tell you where you were going to?—Yes; he said we were going to Nottingham Forest, where there would be a great quantity of people to meet us.

How many do you think there were of you at that time collected, with what you found at the barn, and you who went there besides?—Between twenty and thirty I think.

Were you formed into rank?—Yes.

By whom?—By Brandreth and William Turner.

Did you receive anything to carry?—Yes, a bag of bullets.

From whom?—From George Bramley.

What orders were then given you?—Brandreth ordered us to march.

For what place?—For a field of Mr. Topham's, Is that Topham's close?—Yes.

When you marched away, what was done with the pikes that you had, that were more than the people wanted who were there?—I did not see them taken up, but I suppose they were taken away.

Did you see any of them carrying more than one pike?—Yes, there were several that had two pikes.

Did you see whether George Weightman carried any thing besides his gun?—No, I cannot say that I did.

In your way to Topham's close were any houses attacked?—Yes.

And arms taken?—Yes, I believe so; I did not see them taken.

Whose house was the first attacked?—James Hardwicke's.

Mr. Gurney.—I believe, according to the plan, it is Samuel Hardwicke's, my lord.

Witness.—It is father and son; the father's name is Samuel and the son's James.

The first house was Hardwicke's?—Yes.

Whose house was the second?—The company went away to Henry Tomlinson's; I did not go with them.

And then did you march for Topham's-close?—Yes.

Whom did you expect to meet there?—The Pentridge people.

Who had told you they would meet you there?—George Weightman the prisoner.

Did any more persons join you at Topham's close?—Yes.

Who?—Isaac Ludlam and his two sons.

Had they arms?—Yes.

What?—Pikes.

Mr. Justice Holroyd.—Had they all pikes?—Yes.

Mr. Gurney.—Had the Pentridge people met you there as you expected?—No.

In consequence of that, what was agreed to be done?—George Weightman took the bag of bullets.

The bag of bullets which you had carried?—Yes; and said he would go by the wire-mill, and if he met the Pentridge people, he would turn them to Pentridge-lane-end.

Did he go then?—Yes.

And any persons with him?—He and several others there left us.

Were they all armed or mostly armed those that went with him?—I cannot say whether they were armed or not when they went with him.

They were part of those who had marched with you?—Yes, Miles Bacon, and Samuel Marriott were two of them.

What had they?—Samuel Marriott had a gun when he went to the close; I do not know what he had when he went with them.

To whose house did the party that you remained with go?—To Elijah Hall's.

Brandreth commanded your party?—Yes.

And Turner?—Yes.

Was any gun taken from Mr. Hall?—Yes.

Taken by force, or did he give it willingly?—It was demanded by Brandreth; he did not give it willingly.

Did Brandreth do anything, or threaten him?—Yes; he said he should break the door open, if he did not give it him.

Was any person of his family forced to go with you?—Yes.

Who was the person forced to go with you?—Elijah Hall's son.

Was Manchester Turner one of your party there?—Yes.

Robert Turner?—Yes.

And Barker?—Yes.

Isaac Ludlam the elder?—Yes.

And his sons?—Yes.

Swaine?—Yes.

And many others?—Yes.

Do you remember Barker's saying any thing?—Yes; he said to Elijah Hall, he had wished for that day to come long, but it had come at last.

To whose house did you go next?—To Isaac Walker's.

Were any arms taken there?—Yes.

What?—A pistol.

What kind of pistol?—A brass pistol.

Who had that pistol for that night and morning?—Brandreth.

To whose house did you go next?—Henry Bestwick's.

What was done there?—I did not see what was done there.

Did you hear?—Yes, I heard the windows broken.

You heard the windows broken, but you were not so near as to see what they did?—No.

To whose house did you go next?—To Samuel Hunt's.

Were you entertained with anything there?—Yes.

With what?—Bread, and cheese, and beer.

Did any persons go with you from that house?—Yes.

Who?—Samuel Hunt, and his man.

Is that Daniel?—I believe so.

Did they take any arms with them?—I cannot say whether they did or not.

To whose house did you go next?—Mrs. Hepworth's.

Was any violence used to get into that house?—Yes.

By whom?—Brandreth; Brandreth went to the door, and began thundering.

And by any other person?—Yes.

Who?—Samuel Hunt.

What did he do?—He threw a stone at the door.

What sort of stone?—Apparently a coping stone.

To break the door open?—Yes.

Did Brandreth and the other demand anything to be given out of the house?—Yes.

What?—The arms.

Were the arms given out?—Yes.

Were they given out at first?—No.

Upon that, was the kitchen window broken?—Yes.

Did Brandreth fire into the house?—Yes.

Did he kill any body?—Yes.

Who?—Robert Walters.

Mrs. Hepworth's servant?—Yes.

Upon that were the arms given out?—Yes.

To what place did your party next proceed?—Towards Pentridge-lane-end.

Upon the road to Pentridge-lane-end, did you meet any other party to join you?—Yes; there was a party upon the road when we got there.

Did that party join yours?—Yes; they joined us a little while after.

Were they armed?—Yes.

With guns and pikes?—Yes.

Did any of your party leave the rest, and go to a farm called Buckland Hollow?—Yes.

What did they do there?—I do not know; I heard a disturbance there.

You could not see what they did; you did not go?—No.

Were any other houses attacked?—Yes, several.

Were their arms taken?—I did not see them taken.

Did you hear them called for?—Yes; I heard them at folks's doors, calling them up.

And calling for their arms?—Yes.

To what place did you then march?—We then went a little higher into the lane, towards Pentridge, and we were then formed into rank, we and the others who had joined us.

By whom were you formed into rank?—Brandreth and William Turner.

Did Brandreth inquire for any description of persons there?—Yes.

For whom?—He asked if there were men in the ranks who had been soldiers, or in the militia, or knew discipline.

What did he say he wanted with them?—If there were, they must turn out, and keep the men in order.

Upon that, did any men turn out?—Yes.

Who?—Charles Swaine.

Had he been in the militia?—I believe so.

William Turner, I believe, had been a soldier?—Yes, many years, I believe.

Did Brandreth, and Turner, and Swaine, form you into ranks like soldiers?—We were formed in when Swaine turned out.

How were the men with guns placed?—First, two and two.

And where were the pikes put?—They were put next.

Were you then marched to Pentridge?—Yes.

Did George Weightman, and his party there, join you?—I saw George Weightman again at Pentridge town-end.

At Pentridge town-end were any more houses attacked?—Yes; there was Brandreth, and Turner, and them, were calling folks up.

Who besides Brandreth and Turner? did Weightman join in it?—I did not see him in particular; I saw him in the street, but I did not see him at any body's house.

Was he with the party when it was done?—Yes, he was in the street along with the party when it was done.

Was Mr. William Booth's house one of those that were attacked?—Yes, I believe it was.

Did you observe George Weightman do any thing with respect to anything belonging to Mr. Booth?—I saw him with Mr. Booth's pony at his gate.

What did he desire you to do with respect to that pony?—He asked me to give him a leg on, for a man of the name of Storer, who pretended to be sick.

Was Storer a person who had been forced out of his house?—I understood so.

Did you help Storer on?—Yes.

Did he remain on, or fall off?—He fell off before he had gone far.

I believe Storer was at last left behind?—Yes, I believe he was.

Who had the pony then?—I do not know who had it then.

To what place were you then marched?—To Butterley furnace.

Did you observe George Weightman leave you before you went to Butterley furnace?—He was not with us at Butterley furnace, but I do not know when he parted from us.

At Butterley furnace you saw Mr. Goodwin, I believe?—Yes.

I shall not ask you what passed there; we shall learn that better from him: were you then marched to Ripley?—Yes, to Ripley town-end.

What did you do there?—Brandreth ordered us to halt, and to give three huzzas.

For what purpose?—He did not say what purpose.

Where were you marched to then?—To Codnor.

At what house at Codnor did you stop?—The Glass-house public-house.

What refreshment had your party there?—Some ale.

To what amount?—Eight and twenty shillings.

Were any men forced out of a farm-yard near Codnor, to join your party?—I believe there were.

How many?—Three.

Were you then marched on to Langley-mill?—Yes.

Whom did you meet at Langley-mill?—George Weightman.

Coming as from whence?—From Nottingham, I understood.

Was he on Booth's pony?—He was on a pony.

What did he say to you all?—Brandreth and some of the company surrounded him, and asked him how they were going on at Nottingham.

What answer did he give?—He said the people had risen, the town was taken, and the soldiers were in their barracks.

Did he say what you were to do with your party?—And we were to march forward.

Were you marched forward?—Yes.

And how far did you go with them?—Two or three miles beyond Eastwood.

Towards Nottingham?—Yes.

And then, I believe, you turned back and left them?—Yes.

Had any accident happened to Robert Walters before you left him?—Yes; I understood he was shot.

By a gun going off by accident?—Yes.

From the time George Weightman met you till Robert Walters was wounded, had George Weightman accompanied your party?—No.

think not; I did not see him any more after we were there.

*Thomas Turner cross-examined by
Mr. Denman.*

The prisoner was with you at Hardwicke's and Tomlinson's?—I cannot say whether he was at Tomlinson's or not; he was at Hardwicke's.

Then Hardwicke's was the only house you can state he was at, before you came to Pentridge-lane-end?—Yes.

He was not at Hepworth's, and the other houses you have mentioned?—No.

You say he was in the street of Pentridge, when they were knocking people up?—Yes.

And there was something of the kind done at Pentridge-lane-end?—Yes, there was.

It was from Pentridge-lane-end he went off to Nottingham?—I saw him in Pentridge.

He went from Pentridge?—I do not know; he was not with us at Butterley.

You do not know when he got on the horse to go?—No, I do not.

Between Butterley and Pentridge you missed him?—Yes.

And then he came back in the way you have stated?—Yes.

After Langley-mill, you did not see him at all?—No.

[Adjourned to to-morrow morning, eight o'clock.]

Friday 24th October, 1817.

[George Weightman was set to the bar.]

*Henry Tomlinson sworn.—Examined by
Mr. Sergeant Copley.*

You are a farmer I believe, and live in South-wingfield-park?—Yes.

Do you remember on Monday evening the 9th of June, any person coming to you from Hardwicke's house?—Yes.

At what time in the evening was that?—When he came to our house it might be about a quarter past nine o'clock.

In consequence of what he told you, what did you do?—I locked up the door and went out into the yard.

Did you go alone into the yard, or did any person go with you?—My wife went with me into the yard.

After you had got into the yard, did you perceive any persons coming towards the house?—Yes.

About how many might there be?—There appeared to me to be between thirty and forty.

Were they armed or unarmed?—They were armed.

What with?—Some with spikes and some with guns.

What did they first do?—They went up to my door and began for to rattle.

What did you do upon that?—I went up to them, and asked them what they wanted.

What did they say?—That they wanted me and my gun.

What did you say to that?—I told them they must have neither.

What did they say?—I told them that the gun was not at home, it was gone to Ashover to be mended.

What did they say to that?—They said I must open the door, or they would break it; and I must find the gun, or they would search the house.

What did you do upon that?—I opened the door and there were two men that followed me in, the captain and another man.

When they were in the house what did they do or say?—They said they would have the gun, and I went into another room to fetch it out.

Did you bring it to them?—Yes, I brought it into the house, and the captain demanded and took it.

After they had taken the gun did they go out?—Yes, he went out of the door and took the gun with him; and I followed him to the door, and stood at the door.

While you were standing at the door did they say any thing to you?—Yes; he said "come, you must go and all."

Who said that?—The captain.

What answer did you make to that?—I told him I would not; he said, "You had better go while to-night than stop till the morning," that there was a great gang coming from Sheffield, and a great cloud out of the North, that would sweep all before them.

What did you say to that?—I told him I would not go; he presented his gun and swore he would shoot me if I would not go; I told him I would go a little way, but it should not be far.

Was anything said about Nottingham?—Yes.

What?—He said they were going to Nottingham, and they should be at Nottingham by half-past eight or nine o'clock, I am not sure which.

Was anything said about London?—Yes; he said they should not need to go further than Nottingham, for London would be taken by the time they got thither.

Did they force you to go with them?—Yes, they did.

Were any arms put into your hands?—Yes.

What?—They gave me a spike.

On their giving you a spike what did they do?—I asked them to let me have my own gun and they would not, they said they would make me carry a spike.

[Several pikes were produced and laid upon the table.]

By a spike, what kind of instrument do you mean?—Like that. [Pointing out one of the pikes.]

Was the prisoner George Weightman among

the party?—When we went down from the door, he was in the yard.

Had you known him before?—Yes.

Which way did the party proceed?—They went as if they were going for Nottingham, I suppose.

When you say you suppose, I want to know whether they went in the direction towards Nottingham?—Why it is not a direct turnpike road to Nottingham.

Would it lead to Nottingham, going in that way?—Yes, it would.

Did you go on the same way?—Yes.

After you had gone on some little way, did you speak to George Weightman?—Yes; I spoke to him before I went out of the yard.

What did you say to him?—I lit upon him in the yard, and asked him, "Are you one?" and he said, "Yes."

Upon his saying "yes," what did you say to him?—I told him, I thought it was a very hard case to take me, and leave my wife by herself in such a lonely spot.

What further did you say?—He said it was a hard case; I must go a little bit, and I might turn again.

How far did you go?—About three hundred yards, as near as I could guess.

When you had got three hundred yards, what then happened?—He gave me a bit of a nudge, took my spike, and bid me to turn again.

Did you do so?—Yes; Weightman was a friend of mine that night, or else I should have fared worse.

Had you known him for some time?—Yes.

You went home then?—Yes.

Henry Tomlinson cross-examined by *Mr. Cross*.

How long have you known him?—I should think I have known him for these ten or a dozen years. I have no great acquaintance with him, you know.

You have known him from a child?—No.

About what age was he when you first knew him?—I cannot justly say.

He was a boy at that time, was not he?—He was grown up a man when I knew him.

How far did he live from you?—About three miles.

I am told you have had an opportunity of knowing his general character for some time past?—Why yes; I never heard anything particular against the man while this broke out; the man always seemed a very civil and decent character, for any thing I heard.

Was he a quiet and peaceable man?—Yes; he always appeared a very civil man; a man always very civil when he came to me.

Mr. Henry Bestwick sworn.—Examined by *Mr. Gurney*.

I believe you are a farmer residing at South-wingfield-park?—Yes.

On the night of Monday the 9th of June, was your house attacked by any party of people?—Yes.

At about what hour?—About half-past eleven o'clock.

Was your house broken open?—Yes.

Were any arms taken?—Yes.

What?—A gun.

Had you before that time heard anything from the prisoner of what was to happen?—Yes, we had had a conversation upon the subject.

The prisoner and his brother Joseph are, I believe, by trade sawyers?—Yes.

On the Saturday before that Monday, were they doing work for you as sawyers?—Yes, they were.

State what passed between you?—I had been much alarmed from the conversation that had been regularly spoken of for some days before.

In consequence of that alarm, did you say any thing to the prisoner and his brother?—Yes; he and his brother were sawing timber for me; it was intended for the roofing of a building that I had.

And you said what?—I said to Weightman, there was such a report of a revolution taking place.

Give it us in the first person; there is such a report of a revolution taking place?

Mr. Dowman.—Did he say this to both of them?

Mr. Gurney.—You said it to both of them?—Yes.

They were both working; one above, and the other below?—Yes.

You said, "there is such a report of a revolution taking place;" what further?—"That it is of no signification talking of building, or of going on with any other business."

What answer did the prisoner give to this?

—He said, he believed the day and the hour were fixed when the whole nation was expected to rise; and, before the middle of the week, he believed there would be hundreds of thousands in arms; and he said there were men appointed all over the nation, or the country, I cannot say which word he used.

To do what?—To take command of such and such companies of men; and he said he did not think there was a house within fifty miles but what it was known what fire-arms they had in it, and he believed they would be called for.

Did he say anything about the Peak?—That conversation was spoken; but I think if I recollect right, it was from his brother.

Was he present?—Yes, he was.

What did his brother say in his presence?—He said that they would be coming out of the Peak like clouds.

Any thing more?—That is the greatest part that I recollect.

Do you remember Joseph Weightman saying any thing about blankets?—Yes; he said this would not prove like the blanket business* at Manchester.

* See the Report of the Secret Committee of

Any thing more?—I do not recollect.

Mr. *Henry Bestwick* cross-examined by
Mr. *Denman*.

Did this young man often work for you?—
No.

Did you know him?—I did know him, but
that was about all I could say.

Was this the first time he ever worked for
you?—Never in his life before these two days.

Perhaps you have had no opportunity of
knowing what his general character has been?
—I never knew much about him in my life,
except that I knew him if I met him on the
road.

You used to speak to him if you met him?—
Exactly so.

How far did you live from him?—Hardly
two miles.

Henry Taylor sworn.—Examined by
Mr. *Reader*.

I believe you are a butcher at South-wing-
field?—Yes.

Were you and any body with you, your
son, and William Smith, about to go to the
house of John Wilkinson on the night of
Monday the 9th of June?—Yes.

At what time did you leave your own
house?—At nearly ten o'clock.

Yourself, your son Samuel, and William
Smith?—Yes.

Did you meet any persons as you were going
there?—No.

Did you see the prisoner, George Weight-
man?—Yes, he met us.

Between your house and Wilkinson's?—
Yes.

Was any body else with him?—Several.

Who were they?—There was James Taylor,
and Benjamin Taylor, and Joseph Taylor, and
Joseph Wilkinson.

The person to whose house you were going?
—Yes.

Mr. *Justice Holroyd*.—I thought you said
you were going to the house of John Wilkin-
son?—His father's.

Mr. *Reader*.—Those persons you knew?—
Yes.

Were there any others besides, whom you
did not know?—Yes, several.

Had they anything with them?—Yes, they
had spikes; James and Joseph and Benjamin
Taylor, all had spikes.

By spikes do you mean these sort of things?
—Yes.

Had any body else spikes besides them?—I
cannot recollect that there were any others.

Were the handles peeled or not peeled?—
Yes, I believe they were peeled.

the House of Lords respecting certain dan-
gerous meetings and combinations, 36 Hans.
Parl. Debates, 952; and the Report of the
Committee of Secrecy of the House of Com-
mons, *ibid.* 1089.

Had the prisoner, George Weightman, any
thing with him?—I cannot recollect that he
had at first, but he took up a bag of bullets at
the same time.

Was that soon after you joined them?—Di-
rectly upon the same spot.

Did any of them say anything to you?—
Yes.

What did they say?—They demanded my
son first to go.

To go with them?—Yes.

Your son Samuel?—Yes, and George—

Whom do you mean by George, the pri-
soner?—Yes, he got hold of my son's collar
and pulled him on to the turnpike-road.

Did he say anything to him?—He insisted
upon his going along with them.

Did you say they insisted, or George
Weightman insisted?—George Weightman in-
sisted.

What else did he do?—Nothing particular
that I recollect.

Did he give him any thing?—Either he or
James Taylor gave him a spike.

Such a kind of thing as one of those?—Yes.

Did they do anything to you?—Yes, then
they insisted upon my taking one.

A pike you mean?—Yes.

What did you say or do?—I told them I had
rather not; they insisted upon my going; I
said very well, I can go without a spike;
James Taylor gave me one, and would insist
upon my taking it; he said it was easier for me
to carry one, than for them to carry so many a
piece.

Had any of them more than one a-piece?—
Them three had three or four a-piece, the
Taylors.

They were carrying three or four a-piece?—
Yes.

Did you take the spike or not?—Yes, I took
the spike.

Where did you go?—We went right to the
wire-mill.

You have spoken of William Smith, did he
go with you?—Yes, he did.

Did he go willingly?—He was not willing;
but he see'd we were forced to go.

Then you say you proceeded towards the
wire-mill?—Yes.

You say you were going from your house to
John Wilkinson's?—Yes.

And in your road you met those persons?—
Yes.

Did you go on to John Wilkinson's?—No.

They turned you towards the wire-mill?—
Yes.

Which way were the prisoner and the party
with him coming from when you met them?—
From towards Wilkinson's.

Did you all proceed to the wire-mill?—Yes.

Who carried the bullets?—George Weight-
man.

Quite on to the wire-mill?—I think so; to
the best of my knowledge.

What was done when you got to Marriott's,
the wire-mill?—There were two or three went

up to the door, and insisted upon his gun, and Marriott's son to go along with them.

Did they appear to be in bed?—Yes.

Did they make any noise at the door, or about the house?—They rattled the door.

What answer was made?—Young Marriott said the gun was out of repair; and as for himself, he should not go.

What was said to that?—They said, out of repair or in, they would insist upon having the gun; and if he would deliver the gun, they would excuse him.

Was the gun delivered?—Yes.

By whom?—Young Marriott delivered it.

Out of the window?—Yes.

Did you then go away?—Yes, very shortly after.

Were you joined before you left Marriott's, by any other party?—Yes, there was a party came into the yard from old Pentridge, and joined us there.

In the yard?—Yes.

Then you went away?—Yes.

Who carried the bullets?—I think George Weightman carried the bullets half way up to the turnpike road.

The turnpike road from Chesterfield to Derby, do you mean?—Yes; and then he delivered them to another man.

Do you know who that other man was?—No.

Where did the other party then go to?—Up to the turnpike-road; and then the biggest part of them went to Mr. Lister's.

What became of the rest?—The others went to Pentridge.

Down the road?—Up the hill.

Do you know what the party were to go to Lister's for?—It was not mentioned further than that they were going to fetch two guns, which they said Lister had.

Did you go with that party, or the other?—I went to Pentridge.

Which did Weightman, the prisoner, go with?—To Pentridge.

You went with his party?—Yes.

Where did you go to in Pentridge?—To old Mrs. Weightman's there, at first.

Did the prisoner Weightman go with you?—Yes.

Who had got the bullets then?—George Weightman.

He had got them again then?—Yes.

Did you hear anything of any other bullets?—Yes; we went up just above the wire-mill; as we were going towards the road, James Taylor said there were another bag of bullets or two, that were gone up the park.

Through South-wingfield-park?—Yes.

Where did you and the prisoner go from Mrs. Weightman's?—I went no further; the prisoner said that he would go to his brother William's, with the bullets; and he went, and a man or two with him, I think.

Did you see him go to William's?—I saw him go through William's gate, into the yard.

What became of you after that?—I returned home.

You got away, and returned home?—Yes, did.

Do you know Topham's close?—No, I cannot say that I do.

Do you know Topham?—Yes.

There is a close near his house?—There are two Tophams.

It is near Frichley-lane?—They are both near Frichley-lane.

How far is that from Wilkinson's?—One of them is within three hundred yards of Wilkinson's house.

How far is the other from Wilkinson's house?—As far again, I dare say.

Then the other is about six hundred yards from Wilkinson's?—Yes.

Samuel Taylor sworn.—Examined by Mr. Reynolds.

Are you the son of Henry Taylor?—Yes.

On the 9th of June last, did you live with your father at South-wingfield-park?—Yes.

Were you and William Smith and your father going towards Wilkinson's on that night of the 9th of June?—Yes.

At what hour?—About ten o'clock, or between ten and eleven.

In going there, were you met by any number of persons?—Yes.

How many?—I cannot say, I am sure; about half a score perhaps.

Was George Weightman, the prisoner, with them?—Yes.

Did he say anything to you?—Yes.

What?—He came to me, and insisted upon my going with him.

Did you say anything to him?—No, I said nothing to him; I refused going with him.

Did he then do anything to you?—Yes, he collared me, and insisted on my going with him.

Where were you? where did he take you when he collared you?—I was on the side of the road, and he pushed me into the middle of it.

Was anything given to you?—Yes, George Weightman gave me a pike.

Was it like one of those?—Yes.

Do you know the Taylors?—Yes.

James Taylor?—Yes.

And Benjamin Taylor?—Yes.

And Joseph Taylor?—Yes.

Were they there?—Yes.

Had they anything with them?—Yes, they all carried three or four pikes.

Was there a person of the name of Samuel Marriott there?—Yes.

Had he anything with him?—Yes, he had a bag, which I expected were bullets.

What do you mean by, "I expected were bullets;" did you hear anything said about what they were?—Yes.

Did you hear it mentioned what was in the bag?—Yes, I heard some of the party mention that they were bullets.

Was that bag given by Marriott to anybody?—Yes.

To whom?—To George Weightman.

To the prisoner?—Yes.

You have told us you were going to Wilkinson's; which way did the party go, to or from Wilkinson's, when you joined the party?—They were coming down Boden-lane when I met them, and went towards Marriott's.

Is that the wire-mill?—Yes.

If the party had come from Topham's-cloze, would they have come that way they were going when you met them?—I do not know I am sure.

The wire-mill was a different way from Wilkinson's?—Yes, it was the way leading on to Pentridge.

You say you went to John Marriott's at the wire-mill?—Yes.

When you were there, did any other persons join you?—Yes, a party joined us.

What was done at Marriott's the wire-mill?—They insisted upon Mr. Marriott's gun, and also one of his sons to go with them.

What was said to this demand?—They refused to give them the gun.

What was said about his son's going?—And also his son's going with them.

What further passed?—Some of the party said, if they would give them the gun, they would excuse his son going with them.

Was the gun then given?—Yes.

Did they then go on towards Pentridge?—Yes.

Where did you afterwards go? did you go to Mr. Lister's?—Yes.

Was the prisoner with you when you went to Mr. Lister's?—No, he was not.

What had become of him?—He went up towards Pentridge.

Did a party go with him?—I do not know, I am sure.

What was done at Lister's?—They went to the window and demanded a gun.

Did they get the gun?—Yes; I did not see it given to them.

How do you know they got the gun?—Some of the party said they had got the gun.

Did you then go to Mr. Sellars's house?—Yes.

That is near Pentridge-mill, is not it?—Yes.

What was done at Sellars's?—They rattled at the door.

What did they demand there?—They demanded Mr. Sellars.

Did Mr. Sellars go with them?—Yes.

Did you go on to Mr. Samuel Fletcher's?—Yes.

Was a gun and a man taken from Fletcher's?—Yes.

The man's name was Shipman, was not it?—Yes.

Where did you go next?—To Mr. Storer's.

What was done at Storer's?—They rattled at the door, and insisted on one of Mr. Storer's sons, and also his gun.

What did you get from Storer's, did you

get anything?—Yes; one of his sons and a gun.

Where did you go to next?—Nowhere till we got to the Glass-house.

Did you make any endeavour to get away? do you know Isaac Ludlam?—Yes.

Did you endeavour to get away anywhere?—When I got to the Glass-house I stopped at the door to get away.

Who or what prevented you?

Mr. Denman.—It is not right to press any thing against Ludlam.

Mr. Gurney.—It is our duty to prove the general conduct and language of the different conspirators.

Mr. Denman.—It appears to me something more than general conduct.

Mr. Gurney.—It is all indicative of the general plan.

Mr. Reynolds.—Was anything done or said to prevent you at that time?—I expected he stopped at the door to keep garrison.

Did you go to Butterley?—Yes.

I believe you went on through Langley-mill to Eastwood, did not you?—Yes.

And then I believe you made your escape, did not you?—Yes, beyond Eastwood.

Samuel Taylor cross-examined by
Mr. Denman.

How many hours do you think you might be with the party altogether?—I am sure I cannot say.

The prisoner was not there all the time, nor even the greatest part of the time?—No.

You did not make much resistance, I believe you knew it would be unavailing?—I should have been glad to get off.

But you knew in the first instance, when they insisted upon your going, that there was no possibility of your resisting, was not that so? did not you know that it was impossible for you to resist, if they carried you along with the tide of their numbers, did not you know that, when first they took you with them?—Yes, I were like to go with them.

You could not help yourself? well I will not press the question.

Samuel Taylor re-examined by Mr. Reynolds.

Will you allow me to ask another question; which does not arise out of this? Did you see George Weightman?

Mr. Denman.—I must object to this.

Mr. Reynolds.—Then I would beg the Court to ask whether he saw George Weightman, on his return, at Langley-mill?—If the Court have the least doubt about putting it, we will not press it.

Mr. Justice Holroyd.—Did you see the prisoner at the bar afterwards at Langley-mill?—Yes, I did.

William Smith sworn.—Examined by
Mr. *Richardson*.

Where do you live?—At Wingfield-park.

Do you know the three Taylors, Benjamin, James, and Joseph Taylor?—Yes.

On the 9th of June last did you see them at any time in the afternoon or evening?—Yes.

About what time?—About five o'clock.

In the afternoon?—Yes.

Was anybody with them?—Isaac Ludlam.

And Isaac Ludlam, junior?—Yes.

Had they anything with them?—Some poles.

How many?—Three or four a-piece.

They were carrying them?—Yes, they were.

Look at those poles upon the table, and tell me whether they bore any resemblance to them?—Yes, they resembled them.

Which way were they going?—Down the Park-lane, towards James Taylor's.

That evening did you see any of the Ludlams come out, or go any where?—I saw them go from home.

Which of them?—Old Isaac, young Isaac, and William.

Isaac's two sons?—Yes; and Samuel Briddon.

From whence did they go?—From Isaac Ludlam's.

From old Isaac's?—Yes.

Which way?—They went down the lane towards Boden-lane.

Is that in the direction towards Topham's-close?—Yes, Boden lane is.

Were they armed?—Yes.

How armed?—They were armed with poles a pole a-piece.

Were those such poles as you had seen before that day?—They appeared to be such as I had seen before that day.

Mr. Justice *Holroyd*.—Do you mean similar to those you had before seen on that day, or before that day?

Mr. *Richardson*.—Do you mean similar to those you had seen in the hands of the Taylors that day?—Yes.

That evening did you go with the last witness Samuel Taylor and anybody else?—Henry Taylor.

Towards Wilkinson's?—Yes.

In your way there did you meet any party of men?—I met a party of men in Bodeq-lane.

Were they armed?—Yes.

How?—With poles.

Had the poles anything at the end of them?—Yes, spikes at the end of them.

When you speak of poles, do you mean poles with spikes?—Yes.

Was the prisoner at the bar, George Weightman, with them?—Yes.

Was anything said to you by any of them?—Yes, they demanded us to go.

You and the persons who were with you?—Yes.

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Were you obliged to go with them?—James Taylor gave me a pike, and demanded me to go down the lane with them; we went down to Boden-lane-end.

Willingly or not?—We refused.

What then?—We must go, they told us.

Was any thing done to you?—No.

They told you you must go?—Yes.

Did you go?—Yes.

Did you go with them to Marriott's, at the wire-mill?—Yes.

They got a gun there?—Yes.

I will not go into the detail of these proceedings; did you go from thence to the Chesterfield-road?—We went up Pentridge-common, and so on to the Derby-road.

Did some of them there go off over the heath towards Pentridge?—Yes.

The others went down the turnpike-road?—Towards William Lister's.

Did George Weightman go with the party towards Pentridge?—Yes.

And you went with the other party towards Lister's?—Yes.

You got a gun there, did not you?—Yes.

Did you go to Sellars's?—Yes.

And to Samuel Fletcher's?—Yes.

And to James Turner's?—Yes.

And to Storer's?—No, I did not go there; I do not know anything about that.

Did you get guns and men at either of those places?—At James Turner's.

What did you get at James Turner's?—James Turner.

To join the party?—Yes.

Were you at Pentridge with them, or Pentridge-lane-end?—Yes, Pentridge lane-end.

Did you go to any houses there?—No.

Where did you remain?—On the road.

While you remained on the road, did you hear any of the party rattling or knocking at any of the houses there?—I heard them rattling at the doors.

I believe you went with the party to Butterley, did not you?—Yes.

To Codnor?—Yes.

And as far as Eastwood?—Yes.

Did you endeavour to escape from them?—At Codnor.

Could you?—No.

At Eastwood you did escape?—Yes.

Did you see anything more of George Weightman, from the time when you parted with him, he going towards Pentridge?—I saw him going up Pentridge-common.

Where did you see him at that time? what was he doing?—He was carrying a bag of bullets; they were supposed to be bullets.

What do you mean by saying, "they were supposed to be bullets?"—I did not see them.

Was anything said about the bag?—Yes, some of the party said they were bullets.

Did you see him after that, before you quitted the party at Eastwood?—I saw him again at Pentridge.

What was he doing then?—He had a horse then.

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What was he doing with the horse; was he leading it or riding it?—He was leading it then.

Was that Booth's pony?—I do not know whose pony it was.

It was a pony?—Yes, it was a pony or a horse; I did not take particular notice.

Did you see him go off with that?—No, I saw him in Pentridge with it; I did not see him go off with it.

Did you see him again, before you quitted the party at Eastwood?—Yes, I saw him on a bridge; Langley-bridge, I think they call it. On horseback?—Yes.

Which way was he coming?—He was upon the bridge when I saw him.

Was that in the way to Nottingham?—Yes.

Did you meet him there?—I do not know whether we met him there, but I saw him there.

Did you hear him say anything?—No.

Did you see anything more of him after that, before you quitted the party at Eastwood?—No.

Samuel Marriott sworn.—Examined by *Mr. Belguy.*

You are the son of Mr. John Marriott?—Yes.

He lives at the wire-mill?—Yes.

In the parish of South-wingfield?—Yes.

Were you at home with your father, on the night of the 9th of June?—Yes.

Were you disturbed at any time that night?—Yes.

About what time?—About eleven o'clock.

Were you all gone to bed at that time?—Yes.

What were you disturbed by?—By a quantity of men making a noise at the door.

In consequence of this, did you get out of bed?—Yes, and went to the window.

Did you throw the window open?—Yes, I threw the window open, and asked them what they wanted.

What answer did you receive?—They said I must come out, and go along with them.

Did they say anything else?—I denied, and they said, I must come out; and then they said I must give them the gun and all.

Upon their asking for your gun, what did you say?—I told them we had not one.

What did they say to that?—They said they were all our neighbours, and knew that we had one.

Did they say anything else?—They did; they were determined to have the gun; I told them it would do them no good, there was no lock on it; to which they said, lock or no lock, they must have the gun, and if I would not go down and give it them, they would break open the door; I refused, and then they said something about the pike men.

This conversation took place between you and the party, the men who were just under your window?—Yes.

Did you afterwards see another party of

men?—Yes, there was a party of men came down our yard, who met them just before our house.

Was it after they had said something about the pike-men, that you saw the other body of men approach?—Yes.

What had they got?—I cannot very well say what they had got; the first party that came to us had five or six pikes when they advanced towards the door; I went down and gave them the gun at the parlour window.

Was it the first body or the second body that advanced towards the door?—The first body.

How many did you see in all, do you suppose?—I cannot tell; between thirty and forty, I suppose, by the appearance of them.

Did you know any of them?—I knew the prisoner, George Weightman.

He was there, was he?—Yes, he was one of them.

Mr. Elijah Hall, the elder, sworn.—Examined by *Mr. Solicitor General.*

I believe you are a farmer and miller living in South-wingfield park?—Yes.

Do you remember your house being attacked on the night of Monday, the 9th of June?—I do.

A few days before that, had you seen the prisoner, George Weightman, any where?—I had.

How many days before, do you think?—I do not exactly recollect.

About how many?—Perhaps three or four days before.

Where was it that you saw him?—I saw him at a saw-pit in a field of mine.

Was one of his brothers with him?—There was.

At work with him?—Yes.

Do you know the name of his brother?—I do not.

Were they sawing timber at that time, for Mr. Bestwick?—They were.

Did any conversation take place between you and the prisoner, George Weightman?—I believe there did.

Relate, as accurately as you can, what it was that he said to you?—I recollect very little of it.

But what do you recollect of it?—

Mr. Denman.—He does not seem to be certain that there was any.

Mr. Solicitor General.—Was there a conversation between you and him?—There was.

State, as well as you can recollect, what it was that passed?—George Weightman said, in a few days I should see something that I little expected; that it was well known what arms there were in the country, in the neighbourhood; and that there was a gentleman in the neighbourhood who had proffered two barrels of gunpowder.

Did he state what the gunpowder was for?—I understood, by his discourse, there was

to be a general rising, and that it was for that purpose.

Did he state, or did you learn from him, what the rising was to be for?—I do not recollect any more.

I asked you just now, if, on the night of the 9th, your house was attacked, about what hour was that?—About eleven o'clock.

Who was it that attacked your house; what persons?—The persons that I know were Jeremiah Brandreth, William Barker, William Turner, Manchester Turner, I would say Robert Turner.

How many others when first you saw them?—I think there might be nearly thirty.

Were they armed?—They were.

In what manner?—With pikes and guns.

Pikes such as those?—Similar to those; and Manchester Turner had a sword.

What did they demand when they came to your house?—They demanded my fire-arms.

Did you refuse?—I did.

You at first refused?—Yes.

What did any of them say upon your refusal?—They said, they knew I had both guns and pistols, and they would have them.

Were there any threats used by them?—Yes, there were; they threatened to fire the house.

Where were you when first they came?—I was in the yard.

Your door was locked, I believe?—Yes, it was.

After those threats, I believe, the door was opened?—Yes.

Some of them went into your house?—They did.

Did any of them go up stairs?—They did.

For what purpose?—To fetch my sons out of bed; the captain had previously threatened to blow my brains out if I did not fetch them out myself.

Did they bring your son down stairs?—They did.

Elijah Hall the younger?—Yes.

Did they force him to go with them?—They did.

Did they procure any arms at your house?—They did.

What arms?—They took a gun, and they searched the house over for more; I had another gun and a brace of pistols in the house, but they did not find them.

Did you ask them where they were going?—I did.

Which of them?—The captain.

That is Brandreth?—Yes.

What did he tell you?—He said they were going to Nottingham.

For what purpose did you learn?—He said there was a general rising throughout the country; he believed at that moment that the country was all up in arms, that Nottingham would be given up before they got there, if it was not by that time; he believed it was then.

Was anything more said, by any of them, as to their purpose in going to Nottingham?—

Yes, there was; they said they should proceed from Nottingham to London, and wipe off the national debt, and begin again afresh. I then asked them if they knew the consequence of what they were doing, if they did not accomplish their design.

What was the answer?—That they well knew that what they had done already would hang them; they could but be hanged, and they were determined to go on.

Do you remember any other expressions used by them?—On leaving, the captain said, "I doubt I have hurt you by pushing my gun, if I have I am sorry for it; but let me tell you, if I had heard one disrespectful word of your character I should have blown your brains out."

Did they then go away?—They did.

They took your son with them?—They did.

Mr. *Elijah Hall*, the elder, cross-examined by Mr. *Dorman*.

George Weightman was not at your house that night?—I did not see him.

You have no reason to believe he was there?—I have not.

How long have you known him?—I have known him many years.

He is a married man?—I suppose he is; I believe he is.

You know he has a wife and three children?—I know he has a wife; I do not know how many children.

Do you know enough of his character, as a sober and peaceable man, to be able to give any account of it?—I do; his character is that of a sober peaceable man, for anything that ever I heard.

You were surprised when you heard him in the saw-pit talking about this rising?—I was.

Did you remonstrate with him against the part he appeared to be taking?—I did not; the reason was, I considered it as an idle tale.

Then with that impression upon your mind, you made no communication to anybody of what he had been stating? you did not tell the magistrate anything of that sort?—I did not.

Elijah Hall, the younger, sworn.—Examined by Mr. *Solicitor General*.

You live with your father at South-wingfield-park?—I do.

Do you remember on Monday night, the 9th of June, being disturbed in your bed?—Yes.

About what hour?—Between eleven and twelve.

What disturbed you?—A disturbance at the door of a number of people.

Did any persons come up into your bedroom?—Yes.

How many?—Perhaps half a dozen.

Was Brandreth the captain, one of them?—No, he was not.

He was not one of those who came up into your room?—No.

What did the persons say who came into your

room?—They demanded me to get up and go along with them.

Were they armed?—Yes.

Did they use any threats to you?—They did.

What sort of threats?—They threatened to shoot me if I did not go along with them.

In consequence of those threats, and the number of persons who were there, did you go with them?—I did.

Did you dress yourself?—I did.

Did they give you any arms?—Yes.

What arms?—They gave me a pike.

When you got down stairs and were with them, did you see Brandreth the captain?—Yes, I did.

And many others?—And several others.

Where did you go to from your father's house?—I went from there to Isaac Walker's.

What was done at Isaac Walker's?—There was a great disturbance made at the door.

By the party you were with?—Yes, by the party I was with.

Did they get any arms at Walker's?—Yes.

What?—They got a gun and a pistol at Walker's.

Where did you go to from Walker's?—To Henry Bestwick's.

Did you get any arms there?—We got a gun there.

By force?—They broke into the house there.

From Bestwick's did you go to Samuel Hunt's?—Yes.

I believe there you stayed some time?—Yes.

From Samuel Hunt's where did you go?—To Mary Hepworth's.

Were arms demanded at Mary Hepworth's?—They were.

At first were they given or were they refused?—They were refused.

Was anything done there after that refusal?—Yes.

What?—There was a great disturbance made at the door.

And at the kitchen window I believe?—Yes, and at the kitchen window too.

Did the captain fire into the kitchen?—Yes, he did.

I believe Robert Walters, Mrs. Hepworth's servant, was shot upon that occasion, and died?—He was.

He was shot by the captain Brandreth?—Yes, he was.

After that did they procure arms at Mary Hepworth's?—Yes.

Where did you go to from Mary Hepworth's?—We went from there to Pentridge-lane-end.

Did you meet any other party at Pentridge-lane-end?—Yes.

Were they armed in the same way with pikes and guns?—They were.

The party having joined there, which way did they go?—They went along with the others.

Which way?—Towards Pentridge.

Did you know any of the persons who

joined you there?—No; I cannot say that I did.

Were they Pentridge people, do you know, or did you observe them or not?—I do not know.

At Pentridge did they knock at many houses?—They did.

In the same way as they had done before?—They did.

And broke into several houses there?—They did.

Did they procure arms?—I did not see them.

Did you march in order up to Pentridge, or how?—Yes, in order.

Where were you formed in ranks?—In Pentridge-lane.

By the captain, I believe?—Yes.

In Pentridge you contrived to get away from them, and returned to your father's?—Yes, I did.

Whilst you were with them, did you hear any of them say where they were going, or what they were about to do?—I did.

Where was it they said they were going?—They said they were going to Nottingham.

To do what?—To show themselves upon the race-course.

What did they say they were going to do?—To meet many other parties there.

What did they say they were then going to do?—I do not recollect anything particular.

Did they say anything about the parliament?—Yes; they said they were going to pull down the parliament house, and to break the laws.

Elijah Hall, the younger, cross-examined by *Mr. Cross*.

You did not see anything of the prisoner at the bar, during any of the time you have been speaking of?—Yes; I saw him just before I made my escape.

But till that moment you had seen nothing of him, either at your house, or at Hepworth's?—I had not.

Elijah Hall the younger, re-examined by *Mr. Solicitor General*.

Where was it you saw him?—In Pentridge town.

Mr. Isaac Walker sworn.—Examined by *Mr. Sergeant Vaughan*.

I believe you are a farmer in South-wing-field-park?—Yes.

Were you disturbed about eleven o'clock on Monday night the 9th of June?—About half-past eleven.

Were your family gone to bed?—Yes.

What happened to you? what disturbed you?—The dog barking.

Did you get up?—Yes.

What did you observe on getting up?—I put my head out of the window, and saw a number of men coming into the yard.

What number do you think?—About forty,

Did you observe whether they were armed or not?—Yes, they were all armed apparently.

What did they do or demand?—They demanded the door opening first.

What further?—They demanded a gun and a brace of pistols.

Did they say what they wanted them for, or where they were going?—They said they were going to Nottingham.

Did they say what they were going to Nottingham for?—I asked them what for; they said that was no business of mine, that they were determined to have my arms.

Did you give them your arms?—I told them I had a gun, but no pistols.

What remark was made upon that by any of the mob?—They said they knew we had pistols.

Did they say what quantity of pistols?—A brace of pistols.

What did you say to that?—I told them I had not; when they had got the gun they went away.

After going away, how soon did any of them return?—In a few minutes.

Upon their return, what did they demand of you?—They said they knew I had one pistol, if I had not two, and they were determined to have it.

Did you give them the pistol?—Yes; I was forced to do it.

Do you remember who took the pistol?—Jeremiah Brandreth, I believe; the man whom they called their captain.

What did he do with it?—He fired it off; I do not know what he did with it afterwards.

It was loaded when you gave it them?—Yes.

Did they ask you whether it was loaded?—Yes, they did.

Then they left you?—Yes.

Mr. Isaac Walker cross-examined by
Mr. Denman.

The prisoner was not there?—I did not see him.

How long have you known this prisoner, George Weightman?—Some years; I cannot exactly say how long.

You knew him a boy?—No; perhaps two or three years.

Have you known enough of him to be able to tell us what his general character has been?—No, I cannot say.

How far do you live from him?—Three miles and a half perhaps.

Mrs. Mary Hepworth sworn.—Examined by
Mr. Sergeant Vaughan.

You are the widow of a farmer at Southwingfield-park?—Yes.

Were you disturbed at any time on the night of the 9th of June?—Yes.

At what time on the night of the 9th of June was your family disturbed?—Between eleven and twelve.

What disturbed you?—A loud noise at the door; a man calling out for men and guns.

I believe you were in bed?—I was in bed and asleep.

Did you get up and go down stairs?—Immediately.

Whom did you find in the kitchen when you went down stairs?—Robert Fox, William Hepworth my son, and Robert Walters.

Fox and Walters were your servants?—They were.

What happened in the kitchen?—They said if we did not deliver the men and guns they would blow our brains out immediately.

What was done upon that?—We told them we should not.

What was done upon your giving them that answer?—They immediately broke the window, and forced the shutters into the room, and fired immediately and shot Robert Walters.

How soon did he die in consequence of that shooting?—Perhaps ten minutes; but I cannot be certain.

What was done after they had shot Robert Walters?—They still kept making noises; there were a great many stones thrown.

Did you deliver them any arms?—The gun; they still demanded a man; I told them we could not let them have a man; that I thought killing one man was sufficient.

What did they say to that?—I went up stairs; there was a party in the garden; I told them the same, that they must go away.

What did they do with the gun?—We gave them the gun, with the butt end towards them.

How came you to give it them with the butt end towards them?—They desired to have that given towards them; I went up stairs to tell them to go away; they told me if we did not retire from the window, they would serve us the same.

What was Walters doing at the time he was shot?—He was stooping down, as if he was putting his boots on.

He was not offering resistance?—No; he never spoke from the time he came down stairs.

Mrs. Mary Hepworth cross-examined by
Mr. Cross.

You could not see anything of the prisoner at the bar at your house that night?—I saw nobody; it was very dark; we could just discern the men in the yard.

Samuel Levers sworn.—Examined by
Mr. Clarke.

Did you in June last live with Messrs. Wheatecrofts, at Buckland Hollow?—Yes.

In what parish is Buckland Hollow?—I do not know.

How far from Pentridge?—About a mile.

Do you remember on the night of Monday the 9th of June being disturbed, after you were in bed?—Yes.

About what hour?—About one o'clock in the morning.

What were you disturbed by?—Mr. Wheatecroft's farming man called me up.

When you got up what did you see?—I went part of the way down stairs, and when I got part of the way down stairs, there were some people in the house.

Do you know any of them?—No; I turned back to my room.

What happened then when you went back to the room?—A man came up with one eye that carried a sword.

Did he come into your room?—Yes; up into the garret.

Have you seen that man since?—No, I have not.

What did he do when he came up?—He said, "Come, come, you must get up and go along with us."

What else did he say?—He did not say any more; I got up.

What did you do when you got up?—I put part of my clothes on, and they would not let me stop to put on the rest; I went down stairs.

What did they do with you?—I went down to the second landing.

How came you to go down to the second landing?—There was a man with a gun and a pistol; they said they had shot one man, and they would serve me the same.

Who was that man do you know?—He was afterwards called the Nottingham captain.

Brandreth?—I do not know his name.

Did you come down stairs?—Yes, I came down to the second landing; and the man with one eye said, they had been men of great property, and were very sorry to do it; but there were men from Sheffield, and that part of the country, coming to meet them.

Did you go down stairs then?—Yes.

Whom did you find down stairs?—There were several people in the house, I did not know them.

Were they armed?—Yes.

How?—Some with guns and some with spikes.

Did you hear any of them say where they were going to?—Yes; they said they were going to Nottingham.

Had your master any gun in the house?—Yes.

What became of that?—Mr. Wheatecroft's farming man, John Dexter, asked if he might carry the gun, and they permitted him.

Did they take the gun?—No, I believe he took it out of the house himself.

Were you and Dexter compelled to go with those persons?—Yes.

When you got out of the house into the yard, did you find any more persons there?—Yes, several more persons there.

Were they armed?—Yes.

With what?—Some with guns and some with spikes.

Do you know any of them?—No.

You say there was a man there who was afterwards called the Nottingham captain, did he put you into any order?—Why they insisted upon us going on with them; we went to

Pentridge-lane-end, and they formed us into a rank there.

Was there any body appointed to make you keep in order?—Between Pentridge and Pentridge-lane-end he halted, and called out for any men who had served as soldiers.

Did any body quit the ranks to fall out upon that?—Yes; they called one man captain Turner.

Did you hear that captain Turner say any thing?—There was a few of the inhabitants that refused to open their doors, and he called out for the iron crow.

Did they go to any doors after that?—Yes, a few in Pentridge.

Were there any houses in Pentridge broken open?—There were several, I believe.

Was any thing taken away from them?—I cannot say.

Did you happen to go near Mr. William Booth's?—Yes.

Was his pony fetched out?—Yes, I believe it was.

Did you see it?—I saw it come out of the yard.

Do you know the prisoner, George Weightman, by sight?—I cannot say that I positively know him.

Did you see him that night?—I saw a man in a large round hat, a fustian slop, and a pair of fustian trowsers.

What is a slop?—A jacket; but I cannot swear to him: I afterwards knew his name was George Weightman; but I am a stranger to that part of the country.

I do not ask you what his name was, but whether the man who stands there is the man whom you saw?—I am sure I cannot swear to him.

What did you see that man do?—He afterwards went down the lane.

How did he go; was any thing done with Booth's pony?—Yes, he got on it.

Did he take any thing with him?—I saw a bag of something.

What were they?—They said they were bullets.

The men said they were bullets?—Yes.

Where was this man that mounted this pony going to?—They said he was going to Nottingham, to see how they were going on there.

Which way did he go with the pony?—He went down a lane that goes to Butterley-works.

Does that go down the lane?—I am sure I cannot say; we followed him down the same place.

You say the people said he was going to Nottingham?—Yes.

How far did you go with those persons?—I went to the other side of Eastwood.

Did you go as far as Langley-mill?—Yes.

At Langley-mill did you see any thing of the man that went off upon the pony?—Yes, he met us at Langley-mill.

Upon the pony?—Yes.

Did you hear him say any thing?—No, I did not hear him say any thing; he called the

Nottingham captain to him, and the Nottingham captain told us, this man said, that things were all going on very well at Nottingham, and that the soldiers were all made up in the barracks, and there was a number of people on the forest to meet them.

William Booth sworn.—Examined by Mr. Gurney.

I believe you live at Pentridge, do you not?—Yes.

On the night of Monday, the 9th of June, were you alarmed by any number of persons coming to your house?—Yes.

At about what hour?—Between twelve and one.

Did you look out?—Yes, I got up to the window.

Looking out, what did you see?—I saw a great number of men standing at the door, round the door.

Were they armed?—Yes.

How?—Some with guns and some with spikes.

By spikes, do you mean such things as those lying upon the table?—Yes.

What did those men tell you they wanted?—They called out "halloo!" I got up and asked them what they wanted? they said, "I want you and your gun."

What did you say?—I said, I had no gun.

What was then said to you?—He said, we must then come down and open the door; I said, "I cannot go with you."

Did you say why?—I said, I was ballotted for the militia, and had to come to Derby that very day.

What reply was made to that?—They said, "we will free you from the militia, come down stairs and open the door, or I will blow your brains out."

Did you at last come down stairs?—Yes.

Whom did you find?—When I came down stairs and drewed the bolt, the door fell into the house.

The door had been roughly used, and it broke off from the hinges?—Yes.

Had they been trying at the door before you came down?—Yes, they kept beating the door all the time I was talking with them.

When you came down what was said to you?—There was a quantity of men rushed into the house.

Were they armed?—Yes, some of them.

Was Brandreth one?—Yes.

Was William Turner another?—Yes.

What did Brandreth then say to you?—He says, "where are your clothes?" I said they were up stairs.

You had come down without your clothes?—Yes; he said, "go and put them on immediately;" I went up stairs as quick as I could, but before I had put one stocking on and tied it, they followed me up with a candle.

Was that Brandreth?—One of them was.

What did he say to you?—He said, "what have you been doing as you are not dressed?"

I said I would make what haste I could, I could not find my clothes; he said, "look quickly or else I will shoot you."

Were you forced down stairs?—Yes.

Before you were quite dressed?—Yes.

Were your boots laced?—No.

Did you offer to lace them?—Yes.

Upon your offering to lace them, what did Brandreth say?—He said, "if you stop to lace your boots, I will shoot you."

Did they then force you out into the ranks?—Yes, they forced me out of the house before them.

Did they put you into the rank?—Yes.

How was the rank formed; how many deep?—Two deep.

How were they armed?—Some with guns, and some with spikes.

What weapon was given you?—They did not give me any; they asked me as they took me out if I had a gun; and I said as I was not possessed of one.

Upon that, what did they say?—They told me that I must take a fork; I said I could not find any, and did not take any.

Did those men attack many other houses besides yours?—Yes.

And take arms and men?—Yes.

Among others, did they attack Mr. Storer's?—Yes.

Did they take him and his gun?—Yes.

While you were at or near Mr. Storer's, do you remember seeing the prisoner and a party coming towards you?—No, I cannot say that I did.

Did you see him?—Yes.

Where did you see him first?—At Pentridge.

How far is that from Mr. Storer's?—About half a mile, as nearly as I can tell.

Who came with him?—I did not see who came with him.

Do you remember after you were in Pentridge, Brandreth ordering any gun to be fired?—Yes.

Did he say for what purpose?—To alarm them at Butterley, that they might get in readiness.

Was the gun fired?—Yes.

Was Mr. William Booth's house attacked?—Yes.

I do not mean your house, I mean another William Booth's?—Yes.

Was his pony taken out of the stable?—His pony was brought out of the yard.

By whom?—By George Weightman.

Did you afterwards see Mr. Storer put upon that pony?—No, I did not.

Did you after that hear Brandreth give the prisoner Weightman any directions about that pony?—Yes.

What did he say to him?—He told him he must take that pony and go to Nottingham, and bring tidings, and come again to Langley-mill, and meet them at Langley-mill.

What more did he say?—I did not hear him say anything more.

To whom?—To George Weightman.

To the prisoner?—Yes.

You have told us you were going to Wilkinson's; which way did the party go, to or from Wilkinson's, when you joined the party?—They were coming down Boden-lane when I met them, and went towards Marriott's.

Is that the wire-mill?—Yes.

If the party had come from Topham's-cloze, would they have come that way they were going when you met them?—I do not know I am sure.

The wire-mill was a different way from Wilkinson's?—Yes, it was the way leading on to Pentridge.

You say you went to John Marriott's at the wire-mill?—Yes.

When you were there, did any other persons join you?—Yes, a party joined us.

What was done at Marriott's the wire-mill?—They insisted upon Mr. Marriott's gun, and also one of his sons to go with them.

What was said to this demand?—They refused to give them the gun.

What was said about his son's going?—And also his son's going with them.

What further passed?—Some of the party said, if they would give them the gun, they would excuse his son going with them.

Was the gun then given?—Yes.

Did they then go on towards Pentridge?—Yes.

Where did you afterwards go? did you go to Mr. Lister's?—Yes.

Was the prisoner with you when you went to Mr. Lister's?—No, he was not.

What had become of him?—He went up towards Pentridge.

Did a party go with him?—I do not know, I am sure.

What was done at Lister's?—They went to the window and demanded a gun.

Did they get the gun?—Yes; I did not see it given to them.

How do you know they got the gun?—Some of the party said they had got the gun.

Did you then go to Mr. Sellars's house?—Yes.

That is near Pentridge-mill, is not it?—Yes.

What was done at Sellars's?—They rattled at the door.

What did they demand there?—They demanded Mr. Sellars.

Did Mr. Sellars go with them?—Yes.

Did you go on to Mr. Samuel Fletcher's?—Yes.

Was a gun and a man taken from Fletcher's?—Yes.

The man's name was Shipman, was not it?—Yes.

Where did you go next?—To Mr. Storer's.

What was done at Storer's?—They rattled at the door, and insisted on one of Mr. Storer's sons, and also his gun.

What did you get from Storer's, did you

get anything?—Yes; one of his sons and a gun.

Where did you go to next?—Nowhere till we got to the Glass-house.

Did you make any endeavour to get away? do you know Isaac Ludlam?—Yes.

Did you endeavour to get away anywhere?—When I got to the Glass-house I stopped at the door to get away.

Who or what prevented you?

Mr. Denman.—It is not right to press any thing against Ludlam.

Mr. Gurney.—It is our duty to prove the general conduct and language of the different conspirators.

Mr. Denman.—It appears to me something more than general conduct.

Mr. Gurney.—It is all indicative of the general plan.

Mr. Reynolds.—Was anything done or said to prevent you at that time?—I expected he stopped at the door to keep garrison.

Did you go to Butterley?—Yes.

I believe you went on through Langley-mill to Eastwood, did not you?—Yes.

And then I believe you made your escape, did not you?—Yes, beyond Eastwood.

Samuel Taylor cross-examined by
Mr. Denman.

How many hours do you think you might be with the party altogether?—I am sure I cannot say.

The prisoner was not there all the time, nor even the greatest part of the time?—No.

You did not make much resistance, I believe you knew it would be unavailing?—I should have been glad to get off.

But you knew in the first instance, when they insisted upon your going, that there was no possibility of your resisting, was not that so? did not you know that it was impossible for you to resist, if they carried you along with the tide of their numbers, did not you know that, when first they took you with them?—Yes, I were like to go with them.

You could not help yourself? well I will not press the question.

Samuel Taylor re-examined by Mr. Reynolds.

Will you allow me to ask another question; which does not arise out of this? Did you see George Weightman?

Mr. Denman.—I must object to this.

Mr. Reynolds.—Then I would beg the Court to ask whether he saw George Weightman, on his return, at Langley-mill?—If the Court have the least doubt about putting it, we will not press it.

Mr. Justice Holroyd.—Did you see the prisoner at the bar afterwards at Langley-mill?—Yes, I did.

William Smith sworn.—Examined by
Mr. *Richardson*.

Where do you live?—At Wingfield-park.

Do you know the three Taylors, Benjamin, James, and Joseph Taylor?—Yes.

On the 9th of June last did you see them at any time in the afternoon or evening?—Yes.

About what time?—About five o'clock.

In the afternoon?—Yes.

Was anybody with them?—Isaac Ludlam.

And Isaac Ludlam, junior?—Yes.

Had they anything with them?—Some poles.

How many?—Three or four a-piece.

They were carrying them?—Yes, they were.

Look at those poles upon the table, and tell me whether they bore any resemblance to them?—Yes, they resembled them.

Which way were they going?—Down the Park-lane, towards James Taylor's.

That evening did you see any of the Ludlams come out, or go any where?—I saw them go from home.

Which of them?—Old Isaac, young Isaac, and William.

Isaac's two sons?—Yes; and Samuel Briddon.

From whence did they go?—From Isaac Ludlam's.

From old Isaac's?—Yes.

Which way?—They went down the lane towards Boden-lane.

Is that in the direction towards Topham's close?—Yes, Boden lane is.

Were they armed?—Yes.

How armed?—They were armed with poles a pole a-piece.

Were those such poles as you had seen before that day?—They appeared to be such as I had seen before that day.

Mr. Justice *Holroyd*.—Do you mean similar to those you had before seen on that day, or before that day?

Mr. *Richardson*.—Do you mean similar to those you had seen in the hands of the Taylors that day?—Yes.

That evening did you go with the last witness Samuel Taylor and anybody else?—Henry Taylor.

Towards Wilkinson's?—Yes.

In your way there did you meet any party of men?—I met a party of men in Boden-lane.

Were they armed?—Yes.

How?—With poles.

Had the poles anything at the end of them?—Yes, spikes at the end of them.

When you speak of poles, do you mean poles with spikes?—Yes.

Was the prisoner at the bar, George Weightman, with them?—Yes.

Was anything said to you by any of them?—Yes, they demanded us to go.

You and the persons who were with you?—Yes.

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Were you obliged to go with them?—James Taylor gave me a pike, and demanded me to go down the lane with them; we went down to Boden-lane-end.

Willingly or not?—We refused.

What then?—We must go, they told us.

Was any thing done to you?—No.

They told you you must go?—Yes.

Did you go?—Yes.

Did you go with them to Marriott's, at the wire-mill?—Yes.

They got a gun there?—Yes.

I will not go into the detail of these proceedings; did you go from thence to the Chesterfield-road?—We went up Pentridge-common, and so on to the Derby-road.

Did some of them there go off over the heath towards Pentridge?—Yes.

The others went down the turnpike-road?—

Towards William Lister's.

Did George Weightman go with the party towards Pentridge?—Yes.

And you went with the other party towards Lister's?—Yes.

You got a gun there, did not you?—Yes.

Did you go to Sellars's?—Yes.

And to Samuel Fletcher's?—Yes.

And to James Turner's?—Yes.

And to Storer's?—No, I did not go there; I do not know anything about that.

Did you get guns and men at either of those places?—At James Turner's.

What did you get at James Turner's?—James Turner.

To join the party?—Yes.

Were you at Pentridge with them, or Pentridge-lane-end?—Yes, Pentridge lane-end.

Did you go to any houses there?—No.

Where did you remain?—On the road.

While you remained on the road, did you hear any of the party rattling or knocking at any of the houses there?—I heard them rattling at the doors.

I believe you went with the party to Butterley, did not you?—Yes.

To Codnor?—Yes.

And as far as Eastwood?—Yes.

Did you endeavour to escape from them?—At Codnor.

Could you?—No.

At Eastwood you did escape?—Yes.

Did you see anything more of George Weightman, from the time when you parted with him, he going towards Pentridge?—I saw him going up Pentridge-common.

Where did you see him at that time? what was he doing?—He was carrying a bag of bullets; they were supposed to be bullets.

What do you mean by saying, "they were supposed to be bullets?"—I did not see them.

Was anything said about the bag?—Yes, some of the party said they were bullets.

Did you see him after that, before you quitted the party at Eastwood?—I saw him again at Pentridge.

What was he doing then?—He had a horse then.

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What was he doing with the horse; was he leading it or riding it?—He was leading it then.

Was that Booth's pony?—I do not know whose pony it was.

It was a pony?—Yes, it was a pony or a horse; I did not take particular notice.

Did you see him go off with that?—No, I saw him in Pentridge with it; I did not see him go off with it.

Did you see him again, before you quitted the party at Eastwood?—Yes, I saw him on a bridge; Langley-bridge, I think they call it. On horseback?—Yes.

Which way was he coming?—He was upon the bridge when I saw him.

Was that in the way to Nottingham?—Yes.

Did you meet him there?—I do not know whether we met him there, but I saw him there.

Did you hear him say anything?—No.

Did you see anything more of him after that, before you quitted the party at Eastwood?—No.

Samuel Marriott sworn.—Examined by Mr. Balguy.

You are the son of Mr. John Marriott?—Yes.

He lives at the wire-mill?—Yes.

In the parish of South-wingfield?—Yes.

Were you at home with your father, on the night of the 9th of June?—Yes.

Were you disturbed at any time that night?—Yes.

About what time?—About eleven o'clock.

Were you all gone to bed at that time?—Yes.

What were you disturbed by?—By a quantity of men making a noise at the door.

In consequence of this, did you get out of bed?—Yes, and went to the window.

Did you throw the window open?—Yes, I threw the window open, and asked them what they wanted.

What answer did you receive?—They said I must come out, and go along with them.

Did they say anything else?—I denied, and they said, I must come out; and then they said I must give them the gun and all.

Upon their asking for your gun, what did you say?—I told them we had not one.

What did they say to that?—They said they were all our neighbours, and knew that we had one.

Did they say anything else?—They did; they were determined to have the gun; I told them it would do them no good, there was no lock on it; to which they said, lock or no lock, they must have the gun, and if I would not go down and give it them, they would break open the door; I refused, and then they said something about the pike men.

This conversation took place between you and the party, the men who were just under your window?—Yes.

Did you afterwards see another party of

men?—Yes, there was a party of men came down our yard, who met them just before our house.

Was it after they had said something about the pike-men, that you saw the other body of men approach?—Yes.

What had they got?—I cannot very well say what they had got; the first party that came to us had five or six pikes when they advanced towards the door; I went down and gave them the gun at the parlour window.

Was it the first body or the second body that advanced towards the door?—The first body.

How many did you see in all, do you suppose?—I cannot tell; between thirty and forty, I suppose, by the appearance of them.

Did you know any of them?—I knew the prisoner, George Weightman.

He was there, was he?—Yes, he was one of them.

Mr. Elijah Hall, the elder, sworn.—Examined by Mr. Solicitor General.

I believe you are a farmer and miller living in South-wingfield park?—Yes.

Do you remember your house being attacked on the night of Monday, the 9th of June?—I do.

A few days before that, had you seen the prisoner, George Weightman, any where?—I had.

How many days before, do you think?—I do not exactly recollect.

About how many?—Perhaps three or four days before.

Where was it that you saw him?—I saw him at a saw-pit in a field of mine.

Was one of his brothers with him?—There was.

At work with him?—Yes.

Do you know the name of his brother?—I do not.

Were they sawing timber at that time, for Mr. Bestwick?—They were.

Did any conversation take place between you and the prisoner, George Weightman?—I believe there did.

Relate, as accurately as you can, what it was that he said to you?—I recollect very little of it.

But what do you recollect of it?—

Mr. Denman.—He does not seem to be certain that there was any.

Mr. Solicitor General.—Was there a conversation between you and him?—There was.

State, as well as you can recollect, what it was that passed?—George Weightman said, in a few days I should see something that I little expected; that it was well known what arms there were in the country, in the neighbourhood; and that there was a gentleman in the neighbourhood who had proffered two barrels of gunpowder.

Did he state what the gunpowder was for?—I understood, by his discourse, there was

to be a general rising, and that it was for that purpose.

Did he state, or did you learn from him, what the rising was to be for?—I do not recollect any more.

I asked you just now, if, on the night of the 9th, your house was attacked, about what hour was that?—About eleven o'clock.

Who was it that attacked your house; what persons?—The persons that I know were Jeremiah Brandreth, William Barker, William Turner, Manchester Turner, I would say Robert Turner.

How many others when first you saw them?—I think there might be nearly thirty.

Were they armed?—They were.

In what manner?—With pikes and guns.

Pikes such as those?—Similar to those; and Manchester Turner had a sword.

What did they demand when they came to your house?—They demanded my fire-arms.

Did you refuse?—I did.

You at first refused?—Yes.

What did any of them say upon your refusal?—They said, they knew I had both guns and pistols, and they would have them.

Were there any threats used by them?—Yes, there were; they threatened to fire the house.

Where were you when first they came?—I was in the yard.

Your door was locked, I believe?—Yes, it was.

After those threats, I believe, the door was opened?—Yes.

Some of them went into your house?—They did.

Did any of them go up stairs?—They did.

For what purpose?—To fetch my sons out of bed; the captain had previously threatened to blow my brains out if I did not fetch them out myself.

Did they bring your son down stairs?—They did.

Elijah Hall the younger?—Yes.

Did they force him to go with them?—They did.

Did they procure any arms at your house?—They did.

What arms?—They took a gun, and they searched the house over for more; I had another gun and a brace of pistols in the house, but they did not find them.

Did you ask them where they were going?—I did.

Which of them?—The captain.

That is Brandreth?—Yes.

What did he tell you?—He said they were going to Nottingham.

For what purpose did you learn?—He said there was a general rising throughout the country; he believed at that moment that the country was all up in arms, that Nottingham would be given up before they got there, if it was not by that time; he believed it was then.

Was anything more said, by any of them, as to their purpose in going to Nottingham?—

Yes, there was; they said they should proceed from Nottingham to London, and wipe off the national debt, and begin again afresh. I then asked them if they knew the consequence of what they were doing, if they did not accomplish their design.

What was the answer?—That they well knew that what they had done already would hang them; they could but be hanged, and they were determined to go on.

Do you remember any other expressions used by them?—On leaving, the captain said, "I doubt I have hurt you by pushing my gun, if I have I am sorry for it; but let me tell you, if I had heard one disrespectful word of your character I should have blown your brains out."

Did they then go away?—They did.

They took your son with them?—They did.

Mr. *Elijah Hall*, the elder, cross-examined by Mr. *Denman*.

George Weightman was not at your house that night?—I did not see him.

You have no reason to believe he was there?—I have not.

How long have you known him?—I have known him many years.

He is a married man?—I suppose he is; I believe he is.

You know he has a wife and three children?—I know he has a wife; I do not know how many children.

Do you know enough of his character, as a sober and peaceable man, to be able to give any account of it?—I do; his character is that of a sober peaceable man, for anything that ever I heard.

You were surprised when you heard him in the saw-pit talking about this rising?—I was.

Did you remonstrate with him against the part he appeared to be taking?—I did not; the reason was, I considered it as an idle tale.

Then with that impression upon your mind, you made no communication to anybody of what he had been stating? you did not tell the magistrate anything of that sort?—I did not.

Elijah Hall, the younger, sworn.—Examined by Mr. *Solicitor General*.

You live with your father at South-wingfield-park?—I do.

Do you remember on Monday night, the 9th of June, being disturbed in your bed?—Yes.

About what hour?—Between eleven and twelve.

What disturbed you?—A disturbance at the door of a number of people.

Did any persons come up into your bedroom?—Yes.

How many?—Perhaps half a dozen.

Was Brandreth the captain, one of them?—

No, he was not.

He was not one of those who came up into your room?—No.

What did the persons say who came into your

room?—They demanded me to get up and go along with them.

Were they armed?—Yes.

Did they use any threats to you?—They did.

What sort of threats?—They threatened to shoot me if I did not go along with them.

In consequence of those threats, and the number of persons who were there, did you go with them?—I did.

Did you dress yourself?—I did.

Did they give you any arms?—Yes.

What arms?—They gave me a pike.

When you got down stairs and were with them, did you see Brandreth the captain?—Yes, I did.

And many others?—And several others.

Where did you go to from your father's house?—I went from there to Isaac Walker's.

What was done at Isaac Walker's?—There was a great disturbance made at the door.

By the party you were with?—Yes, by the party I was with.

Did they get any arms at Walker's?—Yes.

What?—They got a gun and a pistol at Walker's.

Where did you go to from Walker's?—To Henry Bestwick's.

Did you get any arms there?—We got a gun there.

By force?—They broke into the house there.

From Bestwick's did you go to Samuel Hunt's?—Yes.

I believe there you stayed some time?—Yes.

From Samuel Hunt's where did you go?—To Mary Hepworth's.

Were arms demanded at Mary Hepworth's?—They were.

At first were they given or were they refused?—They were refused.

Was anything done there after that refusal?—Yes.

What?—There was a great disturbance made at the door.

And at the kitchen window I believe?—Yes, and at the kitchen window too.

Did the captain fire into the kitchen?—Yes, he did.

I believe Robert Walters, Mrs. Hepworth's servant, was shot upon that occasion, and died?—He was.

He was shot by the captain Brandreth?—Yes, he was.

After that did they procure arms at Mary Hepworth's?—Yes.

Where did you go to from Mary Hepworth's?—We went from there to Pentridge-lane-end.

Did you meet any other party at Pentridge-lane-end?—Yes.

Were they armed in the same way with pikes and guns?—They were.

The party having joined there, which way did they go?—They went along with the others.

Which way?—Towards Pentridge.

Did you know any of the persons who

joined you there?—No; I cannot say that I did.

Were they Pentridge people, do you know, or did you observe them or not?—I do not know.

At Pentridge did they knock at many houses?—They did.

In the same way as they had done before?—They did.

And broke into several houses there?—They did.

Did they procure arms?—I did not see them.

Did you march in order up to Pentridge, or how?—Yes, in order.

Where were you formed in ranks?—In Pentridge-lane.

By the captain, I believe?—Yes.

In Pentridge you contrived to get away from them, and returned to your father's?—Yes, I did.

Whilst you were with them, did you hear any of them say where they were going, or what they were about to do?—I did.

Where was it they said they were going?—They said they were going to Nottingham.

To do what?—To show themselves upon the race-course.

What did they say they were going to do?—To meet many other parties there.

What did they say they were then going to do?—I do not recollect anything particular.

Did they say anything about the parliament?—Yes; they said they were going to pull down the parliament house, and to break the laws.

Elijah Hall, the younger, cross-examined by *Mr. Cross*.

You did not see anything of the prisoner at the bar, during any of the time you have been speaking of?—Yes; I saw him just before I made my escape.

But till that moment you had seen nothing of him, either at your house, or at Hepworth's?—I had not.

Elijah Hall the younger, re-examined by *Mr. Solicitor General*.

Where was it you saw him?—In Pentridge town.

Mr. Isaac Walker sworn.—Examined by *Mr. Sergeant Vaughan*.

I believe you are a farmer in South-wing-field-park?—Yes.

Were you disturbed about eleven o'clock on Monday night the 9th of June?—About half-past eleven.

Were your family gone to bed?—Yes.

What happened to you? what disturbed you?—The dog barking.

Did you get up?—Yes.

What did you observe on getting up?—I put my head out of the window, and saw a number of men coming into the yard.

What number do you think?—About forty,

Did you observe whether they were armed or not?—Yes, they were all armed apparently.

What did they do or demand?—They demanded the door opening first.

What further?—They demanded a gun and a brace of pistols.

Did they say what they wanted them for, or where they were going?—They said they were going to Nottingham.

Did they say what they were going to Nottingham for?—I asked them what for; they said that was no business of mine, that they were determined to have my arms.

Did you give them your arms?—I told them I had a gun, but no pistols.

What remark was made upon that by any of the mob?—They said they knew we had pistols.

Did they say what quantity of pistols?—A brace of pistols.

What did you say to that?—I told them I had not; when they had got the gun they went away.

After going away, how soon did any of them return?—In a few minutes.

Upon their return, what did they demand of you?—They said they knew I had one pistol, if I had not two, and they were determined to have it.

Did you give them the pistol?—Yes; I was forced to do it.

Do you remember who took the pistol?—Jeremiah Brandreth, I believe; the man whom they called their captain.

What did he do with it?—He fired it off; I do not know what he did with it afterwards.

It was loaded when you gave it them?—Yes.

Did they ask you whether it was loaded?—Yes, they did.

Then they left you?—Yes.

Mr. Isaac Walker cross-examined by
Mr. Denman.

The prisoner was not there?—I did not see him.

How long have you known this prisoner, George Weightman?—Some years; I cannot exactly say how long.

You knew him a boy?—No; perhaps two or three years.

Have you known enough of him to be able to tell us what his general character has been?—No, I cannot say.

How far do you live from him?—Three miles and a half perhaps.

Mrs. Mary Hepworth sworn.—Examined by
Mr. Sergeant Vaughan.

You are the widow of a farmer at Southwingfield-park?—Yes.

Were you disturbed at any time on the night of the 9th of June?—Yes.

At what time on the night of the 9th of June was your family disturbed?—Between eleven and twelve.

What disturbed you?—A loud noise at the door; a man calling out for men and guns.

I believe you were in bed?—I was in bed and asleep.

Did you get up and go down stairs?—Immediately.

Whom did you find in the kitchen when you went down stairs?—Robert Fox, William Hepworth my son, and Robert Walters.

Fox and Walters were your servants?—They were.

What happened in the kitchen?—They said if we did not deliver the men and guns they would blow our brains out immediately.

What was done upon that?—We told them we should not.

What was done upon your giving them that answer?—They immediately broke the window, and forced the shutters into the room, and fired immediately and shot Robert Walters.

How soon did he die in consequence of that shooting?—Perhaps ten minutes; but I cannot be certain.

What was done after they had shot Robert Walters?—They still kept making noises; there were a great many stones thrown.

Did you deliver them any arms?—The gun; they still demanded a man; I told them we could not let them have a man; that I thought killing one man was sufficient.

What did they say to that?—I went up stairs; there was a party in the garden; I told them the same, that they must go away.

What did they do with the gun?—We gave them the gun, with the butt end towards them.

How came you to give it them with the butt end towards them?—They desired to have that given towards them; I went up stairs to tell them to go away; they told me if we did not retire from the window, they would serve us the same.

What was Walters doing at the time he was shot?—He was stooping down, as if he was putting his boots on.

He was not offering resistance?—No; he never spoke from the time he came down stairs.

Mrs. Mary Hepworth cross-examined by
Mr. Cross.

You could not see anything of the prisoner at the bar at your house that night?—I saw nobody; it was very dark; we could just discern the men in the yard.

Samuel Levers sworn.—Examined by
Mr. Clarke.

Did you in June last live with Messrs. Wheaterofts, at Buckland Hollow?—Yes.

In what parish is Buckland Hollow?—I do not know.

How far from Pentridge?—About a mile.

Do you remember on the night of Monday the 9th of June being disturbed, after you were in bed?—Yes.

About what hour?—About one o'clock in the morning.

What were you disturbed by?—Mr. Wheatcroft's farming man called me up.

When you got up what did you see?—I went part of the way down stairs, and when I got part of the way down stairs, there were some people in the house.

Do you know any of them?—No; I turned back to my room.

What happened then when you went back to the room?—A man came up with one eye that carried a sword.

Did he come into your room?—Yes; up into the garret.

Have you seen that man since?—No, I have not.

What did he do when he came up?—He said, "Come, come, you must get up and go along with us."

What else did he say?—He did not say any more; I got up.

What did you do when you got up?—I put part of my clothes on, and they would not let me stop to put on the rest; I went down stairs.

What did they do with you?—I went down to the second landing.

How came you to go down to the second landing?—There was a man with a gun and a pistol; they said they had shot one man, and they would serve me the same.

Who was that man do you know?—He was afterwards called the Nottingham captain.

Brandreth?—I do not know his name.

Did you come down stairs?—Yes, I came down to the second landing; and the man with one eye said, they had been men of great property, and were very sorry to do it; but there were men from Sheffield, and that part of the country, coming to meet them.

Did you go down stairs then?—Yes.

Whom did you find down stairs?—There were several people in the house, I did not know them.

Were they armed?—Yes.

How?—Some with guns and some with spikes.

Did you hear any of them say where they were going to?—Yes; they said they were going to Nottingham.

Had your master any gun in the house?—Yes.

What became of that?—Mr. Wheatcroft's farming man, John Dexter, asked if he might carry the gun, and they permitted him.

Did they take the gun?—No, I believe he took it out of the house himself.

Were you and Dexter compelled to go with those persons?—Yes.

When you got out of the house into the yard, did you find any more persons there?—Yes, several more persons there.

Were they armed?—Yes.

With what?—Some with guns and some with spikes.

Do you know any of them?—No.

You say there was a man there who was afterwards called the Nottingham captain, did he put you into any order?—Why they insisted upon us going on with them; we went to

Pentridge-lane-end, and they formed us into a rank there.

Was there any body appointed to make you keep in order?—Between Pentridge and Pentridge-lane-end he halted, and called out for any men who had served as soldiers.

Did any body quit the ranks to fall out upon that?—Yes; they called one man captain Turner.

Did you hear that captain Turner say any thing?—There was a few of the inhabitants that refused to open their doors, and he called out for the iron crow.

Did they go to any doors after that?—Yes, a few in Pentridge.

Were there any houses in Pentridge broken open?—There were several, I believe.

Was any thing taken away from them?—I cannot say.

Did you happen to go near Mr. William Booth's?—Yes.

Was his pony fetched out?—Yes, I believe it was.

Did you see it?—I saw it come out of the yard.

Do you know the prisoner, George Weightman, by sight?—I cannot say that I positively know him.

Did you see him that night?—I saw a man in a large round hat, a fustian slop, and a pair of fustian trowsers.

What is a slop?—A jacket; but I cannot swear to him: I afterwards knew his name was George Weightman; but I am a stranger to that part of the country.

I do not ask you what his name was, but whether the man who stands there is the man whom you saw?—I am sure I cannot swear to him.

What did you see that man do?—He afterwards went down the lane.

How did he go; was any thing done with Booth's pony?—Yes, he got on it.

Did he take any thing with him?—I saw a bag of something.

What were they?—They said they were bullets.

The men said they were bullets?—Yes.

Where was this man that mounted this pony going to?—They said he was going to Nottingham, to see how they were going on there.

Which way did he go with the pony?—He went down a lane that goes to Butterley-works.

Does that go down the lane?—I am sure I cannot say; we followed him down the same place.

You say the people said he was going to Nottingham?—Yes.

How far did you go with those persons?—I went to the other side of Eastwood.

Did you go as far as Langley-mill?—Yes.

At Langley-mill did you see any thing of the man that went off upon the pony?—Yes, he met us at Langley-mill.

Upon the pony?—Yes.

Did you hear him say any thing?—No, I did not hear him say any thing; he called the

Nottingham captain to him, and the Nottingham captain told us, this man said, that things were all going on very well at Nottingham, and that the soldiers were all made up in the barracks, and there was a number of people on the forest to meet them.

William Booth sworn.—Examined by Mr. Gurney.

I believe you live at Pentridge, do you not?—Yes.

On the night of Monday, the 9th of June, were you alarmed by any number of persons coming to your house?—Yes.

At about what hour?—Between twelve and one.

Did you look out?—Yes, I got up to the window.

Looking out, what did you see?—I saw a great number of men standing at the door, round the door.

Were they armed?—Yes.

How?—Some with guns and some with spikes.

By spikes, do you mean such things as those lying upon the table?—Yes.

What did those men tell you they wanted?—They called out “halloo!” I got up and asked them what they wanted? they said, “I want you and your gun.”

What did you say?—I said, I had no gun.

What was then said to you?—He said, we must then come down and open the door; I said, “I cannot go with you.”

Did you say why?—I said, I was ballotted for the militia, and had to come to Derby that very day.

What reply was made to that?—They said, “we will free you from the militia, come down stairs and open the door, or I will blow your brains out.”

Did you at last come down stairs?—Yes.

Whom did you find?—When I came down stairs and drewed the bolt, the door fell into the house.

The door had been roughly used, and it broke off from the hinges?—Yes.

Had they been trying at the door before you came down?—Yes, they kept beating the door all the time I was talking with them.

When you came down what was said to you?—There was a quantity of men rushed into the house.

Were they armed?—Yes, some of them.

Was Brandreth one?—Yes.

Was William Turner another?—Yes.

What did Brandreth then say to you?—He says, “where are your clothes?” I said they were up stairs.

You had come down without your clothes?—Yes; he said, “go and put them on immediately;” I went up stairs as quick as I could, but before I had put one stocking on and tied it, they followed me up with a candle.

Was that Brandreth?—One of them was.

What did he say to you?—He said, “what have you been doing as you are not dressed?”

I said I would make what haste I could, I could not find my clothes; he said, “look quickly or else I will shoot you.”

Were you forced down stairs?—Yes.

Before you were quite dressed?—Yes.

Were your boots laced?—No.

Did you offer to lace them?—Yes.

Upon your offering to lace them, what did Brandreth say?—He said, “if you stop to lace your boots, I will shoot you.”

Did they then force you out into the ranks?—Yes, they forced me out of the house before them.

Did they put you into the rank?—Yes.

How was the rank formed; how many deep?—Two deep.

How were they armed?—Some with guns, and some with spikes.

What weapon was given you?—They did not give me any; they asked me as they took me out if I had a gun; and I said as I was not possessed of one.

Upon that, what did they say?—They told me that I must take a fork; I said I could not find any, and did not take any.

Did those men attack many other houses besides yours?—Yes.

And take arms and men?—Yes.

Among others, did they attack Mr. Storer’s?—Yes.

Did they take him and his gun?—Yes.

While you were at or near Mr. Storer’s, do you remember seeing the prisoner and a party coming towards you?—No, I cannot say that I did.

Did you see him?—Yes.

Where did you see him first?—At Pentridge.

How far is that from Mr. Storer’s?—About half a mile, as nearly as I can tell.

Who came with him?—I did not see who came with him.

Do you remember after you were in Pentridge, Brandreth ordering any gun to be fired?—Yes.

Did he say for what purpose?—To alarm them at Butterley, that they might get in readiness.

Was the gun fired?—Yes.

Was Mr. William Booth’s house attacked?—Yes.

I do not mean your house, I mean another William Booth’s?—Yes.

Was his pony taken out of the stable?—His pony was brought out of the yard.

By whom?—By George Weightman.

Did you afterwards see Mr. Storer put upon that pony?—No, I did not.

Did you after that hear Brandreth give the prisoner Weightman any directions about that pony?—Yes.

What did he say to him?—He told him he must take that pony and go to Nottingham, and bring tidings, and come again to Langley-mill, and meet them at Langley-mill.

What more did he say?—I did not hear him say anything more.

Did he say anything about what time they were to be at Nottingham?—As they were going up Pentridge, Brandreth said, Pentridge does not appear to be in readiness at all; I thought it would have been the readiest place.

Did he say at what time they ought to have been at Nottingham?—At three o'clock.

After Brandreth had told the prisoner to take the pony and go to Nottingham, did he mount the pony and go off?—Yes.

Towards Nottingham?—Yes.

Were you then marched to Butterley?—Yes.

In rank?—Yes.

Did you there see Mr. Goodwin?—Yes.

Were you halted opposite the office?—Yes.

Did Mr. Goodwin speak to Brandreth and your men?—Yes, he spoke to Brandreth, and said, "what do you want?"

What answer was given?—He said, we want your men.

Did Brandreth say that?—Yes.

What did Mr. Goodwin say?—He said, "you are too many already, without you were going for a better purpose; dismiss your men, and let them all go to their homes, you will all get hanged."

Were you then marched to Ripley town-end?—Yes, over the coke hearths.

Were you halted there?—Yes.

What did Brandreth then direct you to do?

—He halted us, and told the men to give three huzzas.

For what purpose?—To alarm Ripley.

Why to alarm Ripley?—For them to go along with them, as I expect.

Were you then marched to Codnor?—Yes.

Did you knock up the man who kept the Glass-house public-house?—Yes.

Was a quantity of beer given to the party?—Yes.

Did any men join you at Codnor, who had left you for a short time?—Yes; there were some came up whilst we were in the house.

Who led them?—I do not know justly.

Who were they?—Samuel Hunt was one.

While you were there, did you ask William Turner any question?—Yes.

What was it?—I asked him where they began? he said at ten o'clock last night at Wingfield.

You, I believe, are in the service of Mr. Pearson, of Wingfield?—Yes.

Did you ask Turner any question about Pearson?—Yes; I asked him if they had called at Mr. Pearson's, and he said no.

What more did he say?—He said, "we mean to call on that beggar when we come back."

Were you then marched on?—Yes, very soon after.

In going out of Codnor, were you halted near the house of a Mr. Stirland?—Yes.

Did any of your party go and search his premises, for men and arms?—Yes; there were some of the party went into the yard.

Who were they?—William Turner was one,

and Samuel Hunt was another which I knew: there was not any other that I knew.

How many men did they take away?—Three or four.

Any arms?—They brought some forks.

Some pitch forks?—Yes.

Did you then march on to Mr. Raynor's?—Yes.

Was Mr. Raynor threatened if he would not go?—Yes.

Were you then marched to Langley-mill?—Yes.

At Langley-mill, did you meet the prisoner?—Yes.

On Mr. Booth's pony?—Yes.

Was he coming as if from Nottingham?—Yes; he seemed as if he was coming that way.

What did he say to you, what news did he bring?—Somebody asked him how they were going on.

Where?—At Nottingham; he said, "the soldiers are all in the barracks; they are doing well; march on my lads as fast as you can."

Were you then ordered to march on, and did you march on?—Yes.

How far did you go with them?—I went beyond Eastwood with them.

Did you then get away?—Yes.

You left them marching on towards Nottingham?—Yes.

Was John Bacon one of them?—Yes, I saw John Bacon.

Was Thomas Weightman another?—Yes.

Joseph Weightman, junior?—Yes.

Samuel Walters?—Yes.

Old Isaac Ludlam?—Yes.

And his two sons?—Yes.

William Turner?—Yes.

Manchester Turner?—Yes.

Edward Turner?—Yes.

Joseph Topham?—Yes.

Samuel Hunt?—Yes.

John Onion?—Yes.

Joseph Savage?—Yes.

James Taylor?—Yes.

Joseph Taylor?—Yes.

Benjamin Taylor?—Yes.

German Buxton?—Yes.

James Barnes?—Yes.

William Barker?—Yes.

Edward Haslam?—Yes.

John Horsley?—Yes.

Were those all armed?—Why I cannot say justly whether they were all armed or not.

Were most of them armed?—Yes, most of them were.

After you had quitted them and turned back, did you meet with any person following them?—Yes.

Who was that?—Joseph Weightman and Nathaniel Walters.

What Joseph Weightman is that?—He is of another family.

Did they stop you?—No, they did not stop us.

They went on after the other party?—Yes.

Henry Hole sworn.—Examined by
Mr. Sergeant Copley.

Do you live at Pentridge-lane-end?—Yes.

Do you remember on the evening of Sunday the 8th of June, seeing Samuel Hunt?—Yes; I saw Samuel Hunt and eight or ten others stand before George Turner's smithy door.

At what hour?—About nine o'clock, or it might be turned.

What had you in your hand?—I was coming along the turnpike-road with a jug of milk, and he said, "thou art fetching that for these men to-night."

What did you say to that?—I said, "what men?"

What answer did he make?—He said, "these revolutioners who will come to-night or to-morrow night."

What answer did you give?—I said, "I believe not;" and he offered to lay me a wager of five shillings of it.

After that I believe you parted?—Yes.

On the following night, about twelve o'clock, were you alarmed?—About twenty minutes before twelve o'clock, I and my wife were alarmed by some blows coming upon the door.

What did you do?—I got up to the window and said, "halloo, who is there, what do you want?"

What answer was given?—They said we want you to volunteer yourself to go with us, or else we will break the door down and murder you.

What did you do upon that?—I went down and opened the door,

Whom did you find at the door?—I found four men, two that I knew, and two that I knew not.

Were they armed?—They were armed with pikes.

Who were the men that you knew?—Joseph Weightman and Joseph Topham.

What passed when you got down to the door?—I asked where they were going; they said they were going to Nottingham; I told them I could not pretend to go with them, that I had no money to take me there, nor nobody to take care of my family while I was gone.

What answer was given to that?—They said I wanted no money, they should keep me on roast beef and ale; and there was people fixed to take care of every body's family that went, who would come in two days or under.

What further did they say?—I dressed me and went out, and a pike was forced upon me.

Did they say any thing about Yorkshire?—They said I had better go that night than stop till morning, for they would come in the morning out of Yorkshire like a cloud, and would take all before them.

Did they say what would happen to those that did not go?—That those who did not go would all be shot.

After this conversation, what did they do?—I dressed myself and went out, and a pike was forced upon me.

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Did this conversation you have been speaking of, pass before you were dressed, or when you were dressing?—Before I was dressed; I had only my breeches on.

You have said there were four men with pikes at the door, did you go with them?—Yes, I did.

How far did you go before you saw some others?—I went about thirty or forty yards along the turnpike-road, and then I saw some others.

Where were they; near what house?—Near John Sellars's.

Were they armed or unarmed?—They appeared to be armed; some with guns and some with spikes, and some with other weapons.

What were they doing at Sellars's house?—I saw John Sellars come out of his door; I suppose they were stopping for his dressing.

While you were there, did you hear a gun go off?—Yes, a little before I got there I did.

Was that in the direction of Mrs. Hepworth's house?—Yes, I supposed it to be there.

Did you afterwards see another party come across the meadows, as if from Mrs. Hepworth's house?—I heard of one, I did not see the party.

Did they join the party at Sellars's?—No, they joined the party going into Mr. Fletcher's yard.

Was that the same party that had been at Sellars's?—They joined the party that went to Mr. Sellars's.

And there they joined the party that came across the fields from Mrs. Hepworth's?—Yes, I supposed it to be the same party.

Did they attack Mr. Fletcher's house?—Yes.

What did they get from Mr. Fletcher's?—They got a gun and a man.

What was the man's name?—William Shipman.

Was he a serving man of Mr. Fletcher's?—Yes.

After they had got the man and the gun, was any order given by any body?—The captain gave orders to march.

Which way did they then go?—We went along the turnpike a little way, and we were there then divided into two companies.

Did the captain head one of the companies?—The captain headed the biggest part of the men that went towards the row of houses.

Who headed the other?—There was Samuel Hunt and eight or ten others went towards Samuel Booth's.

Was any attack made upon Samuel Booth's?—Yes, Mr. Hunt knocked at the door.

What did he knock at the door with?—With his pike end.

What did he demand?—Mr. Booth appeared at the window, and he demanded his son.

What did Mr. Booth say?—He begged, as he was a neighbour, that he would go off from the house without him.

Hunt lived near that place I believe?—Yes, he did.

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What did Hunt say?—He said, "nay, we must have him, the captain is coming, and I am sure he will not go without him."

Did he say any thing more?—Yes; he said he had better go that night than stop till morning, for he said they would come out of Sheffield in the morning, and out of Yorkshire, and would take all before them.

In the mean time did the captain come up?—In the mean time the captain came up before we left the house.

What took place afterwards?—We marched towards Mr. Wheatercroft's at Buckland Hollow.

Who headed that party?—The captain.

Did you all go?—All that were at Mr. Booth's.

Did you make an attack upon Wheatercroft's house?—Yes; Brandreth knocked with the butt end of his gun at the door.

Without going into the particulars, tell me whether you attacked the house and obtained any thing from it?—The door was forced open, and they brought away three men and a gun.

After you had attacked the house and obtained the three men and a gun, did you return to Pentridge-lane-end?—We returned to Pentridge-lane-end, and joined the other party.

After you had joined the other party, were you formed in any way?—We were formed into ranks three deep.

By whom?—By Brandreth the captain.

Did any body assist him?—I saw William Turner assisting him in the first part of it; but I did not see him in the last part of it.

How were you placed with reference to the arms you had?—The biggest part of the muskets were in front, the pikes in the middle, and a few muskets behind.

Did you then proceed to Storer's house?—We proceeded then along the road as far as Storer's.

Was John Storer forced from the house?—He was brought and put into the rank; he was from the house at the time I first saw him.

Was any body set over him to guard him?—There was a guard fixed over him.

Armed, how?—Armed with a musket.

Did you go from thence to Pentridge?—Yes.

Did you attack houses in Pentridge?—Yes, they attacked a good many houses, and got some men and guns.

When you were in Pentridge, did you see the prisoner, George Weightman?—Yes, I saw him.

Was he on foot, or on horseback?—First when I saw him he was on horseback.

On a pony?—Yes.

Had he any conversation with Brandreth?—I saw him and Brandreth stand a little aside the men, but I do not know what conversation they had.

Were they conversing together?—They appeared to be; I did not hear the words that passed.

What was the colour of the pony?—Brown.

How was George Weightman dressed?—He

was dressed apparently in a short slop, that went round him a little below his waist.

After this conversation that he had with Brandreth, what did he do?—He rode off towards Nottingham.

Where did the party go to from Pentridge?—They went along the road to Butterley.

When they arrived at Butterley works, were they drawn up?—They were, in ranks.

Did any body knock at the gates?—William Turner and Brandreth knocked at the gates with the butt ends of their guns.

Did Mr. Goodwin, the manager, come out?—Mr. Goodwin came out at the office door, and said, what do you want.

You need not tell us all that passed in the way of conversation; but Mr. Goodwin came out and addressed them?—Yes.

After that, was the order given to march?—Yes, an order was given to march, and we went over the coke hearths to Ripley.

When you arrived at Ripley was any order given to halt?—There was order given to halt.

By whom?—By Brandreth; he said, "there must be three cheers given here, to let the Ripley men know that we are going."

After this did they march on to Codnor?—Yes, they marched on to Codnor, to the Glass-house.

The Glass-house is a public-house?—Yes.

Did all the party go to the Glass-house, or some part of them to another public-house?—That party all went to the Glass-house.

Did you get any drink at the Glass-house?—Yes.

Was John Bacon one of that party?—Yes, he was.

Do you remember his saying any thing in the Glass-house?—I remember hearing him make a speech in the back kitchen; I did not hear it all; he was making it when I went in; I had been at the front door.

What did you hear him say?—The first I can recollect is, that the government had robbed and plundered them of all that ever they had; that that was the last shift that ever they could make; they must either fight or starve.

While you were there, do you remember Hunt coming up with another party?—Yes, I saw Hunt, and a man whom they called Manchester Turner, come up with the party.

Was a bill called for?—Yes, there was a bill called for, of the liquor.

Did the landlord give it?—Yes, the landlord gave it either to Brandreth or to John Bacon, I do not know to which.

Upon the bill being given, what was said to the landlord?—They said it would be paid in a fortnight, when the job was over.

When you left the public house, which way did you march?—We marched towards Langley-mill.

Were you joined by any of the other party?—We were joined by a party that came from Hartsay, and a party that came from Swanwick, from the two other public-houses.

The two other public-houses at Codnor?—Yes.

Was an attack made upon Mr. Raynor's house in the way?—Yes.

What was done?—William Turner first went in, he ordered young Mr. Raynor to turn out, and take his man and his gun.

Did they threaten Mr. Raynor?—Yes; I heard them threaten to shoot Mr. Raynor three or four different times, but I could not hear all that was said, I was not nigh enough to the house.

They did not succeed in getting young Mr. Raynor?—They got his servant man, a gun, and a pitching fork.

Do you remember after you had left Mr. Raynor's house, meeting any man on the road with cows?—Yes, they took the man.

Did they force him to join them?—Yes.

When you were near Langley-mill, did you see the prisoner at the bar?—Yes, I saw him coming back from Nottingham, on the horse upon which I had seen him ride out of Pen- tridge before.

That was just before you got to Langley-mill?—No, just after we got past Mr. Bowles's.

Before he came up to you, or spoke to you, had he any conversation with the captain?—I saw him stand a little on one side the men with the captain.

Speaking to him?—I was not near enough to hear what they said.

Were you near enough to see whether they were speaking?—Yes, apparently they were.

After this conversation, did he ride along the ranks?—Yes.

What did he say to the men, as he rode along the ranks?—I heard him say, "you have nothing to do but to march on; they bombarded Nottingham at two o'clock this morning, and it is given up to them."

Did they march on?—Yes, they marched on.

Did they pick up any more men before they got to Eastwood?—They took one or two about Langley-mill, but I do not know how far they went.

Was James Barnes one of the party?—Yes.

Do you remember having any conversation with him at Eastwood?—I asked him what he was going to do when he got to Nottingham; he said, they had fixed up a new government at Nottingham, and they were going there to defend it, until other counties came into their terms.

What more did he say?—He said, it would be soon all over; for by a letter which he had seen from London yesterday, the keys of the Tower would be given up to the Hampden club party, if they were not already.

Was that all he said?—He said, he had never been set down more than five minutes at once, since four o'clock yesterday morning.

Did you ask him what he had been doing?—Yes, I asked him; and he said he had been providing guns, spikes, and ammunition.

When you first got into Eastwood, were you marching regularly, or had you got into dis-

order?—When we got into Eastwood we were broken out of rank, and in no order; the men appeared disorderly.

Were you again formed into rank there?—We were formed into rank there again.

By the captain?—By the captain, William Turner assisting.

After you had been formed into rank, did you turn out?—Yes; I turned out after I had been in a little while, and stood a little distance from the men.

Did Brandreth come up to you?—Brandreth came up to me, and ordered me into rank again.

What did he say to you?—I said, I should not go in for him, or for any other man.

What did he say?—He said, if I did not go in again, he would shoot me immediately.

Had he a gun at that time in his hand?—He had a gun, and I perceived that he had cocked the gun; I stepped up to him with a stack paring knife I had in my hand.

Having this stack paring knife in your hand, and stepping up to him, what did you say?—I swore, that if he offered to level the gun, I would hack his head off.

What did he do upon that?—He stood a little while, and then turned off.

What did you do upon that?—I marched off towards Langley-mill.

That was back again?—Yes.

After you had got a short distance, thirty or forty yards, did you hear any thing?—I heard a cry of, "Do not shoot."

Did you, in consequence of that, turn round?—I turned round, and saw Brandreth with a gun at his shoulder pointed towards me.

Who was standing near him?—Thomas Turner took hold of the gun, and turned him off.

Upon that, did you continue to go back?—I went back a little further.

Did Joseph Savage come up to you?—A man of the name of Savage, I do not know his christian name.

Was he one of the party?—Yes.

What had he?—A short pistol; it appeared to me about a foot long.

Did he say any thing as he came up to you?—He said, if I did not turn back, he would blow a bullet through me.

What did you say to that?—I said, if he did, that he must do it before he got too nigh me, or I should have a hack at him with that which I had in my hand.

Upon that did he leave you?—He said, he should be sorry to shoot me or any other man; and then he turned back.

Did you continue your return homewards?

—I returned homewards?—no, I did not go directly homewards; I followed the men a little way to see how they went on; I watched them a little way, and I could see them breaking up in every direction; I could here and there see a few go.

Deserting?—Yes, at every gate.

Did you afterwards return home?—I afterwards returned homewards.

While you were going homewards, did you see any other party?—I saw a party of about fifty the first.

Which way were they going?—They were going along the turnpike-road towards Nottingham.

Were they going in the same direction, following the other party?—Yes.

Did you see any other party?—I saw another party at Langley-mill, against Mr. Bowles's.

Were they also going in the same direction?—They stood still when I first saw them; afterwards they appeared to move, but I was not nigh them.

How many might that party consist of?—I thought about sixty.

Besides those two parties, did you see any other persons going in the same direction?—No, I cannot say that I did.

You got home?—Yes.

Charles Walters sworn.—Examined by Mr. Reader.

I believe that you lived with Mr. George Argile, of Hartsay, in June last?—Yes.

He is a farmer at Hartsay?—Yes.

In what parish is Hartsay?—In Pentridge parish.

After you were in bed, were you alarmed on the night of the 9th of June?—Yes.

About what time?—About a quarter before three o'clock, on the morning of the 10th.

What were you alarmed with?—Five or six men.

Where were the men?—At the door.

Were they making a noise?—Yes.

What kind of noise?—Rattling and shaking at the door.

Did they ask for any thing?—Yes.

What?—They demanded men and arms.

Did you get out of bed?—Yes; my master first.

Was your master in the room with you?—No; but my master spoke to them first.

What did you do?—I did not at first; I concealed myself in a bacon chest in a room adjoining.

Did any body come into that room?—Yes.

And found you?—Yes.

They opened the chest and found you?—Yes.

Were they armed?—Yes.

What with?—One had a sword.

There were more than one?—Yes.

How many were there?—Four.

Was that man a one-eyed man?—Yes.

Was it Manchester Turner?—Yes.

Did they force you out of the chest?—Yes.

What did he threaten to do?—He threatened to run his sword through me if I did not get up.

Who were the other three persons in the room?—The one was Edward Turner, the other Samuel Hunt, and the other a young lad from Swanwick.

In consequence of those threats did you get up?—Yes.

Did you ask what they wanted?—Yes.

What did they answer?—They demanded, that I should go along with them.

Did you ask them where they were going?—Yes.

What did they say?—They said they were going to do well.

Who said that?—I cannot positively recollect who it was.

Did they say where they were going to?—

No, they did not say where they were going to; Samuel Hunt said, "Do not be against going; there is better men than you going; I am going myself."

Did you go?—Yes.

Did they take any other person from the house but you?—No.

Any arms?—A gun.

Whose gun was that?—The property of my master.

Mr. Argile's property?—Yes.

Did he deliver it up voluntarily, or did they force it from him?—They forced it from him.

Where did you go?—To John Bonsall's.

Did they get any thing there?—His man and his gun.

How far did he live from Mr. Argile's?—Perhaps a hundred yards.

Where did they go next?—To Peter Cope's.

Did they take any thing from thence?—

They demanded a man and arms, and they took a gun.

Did you go to many other houses?—No.

Did you go to Butterley?—Yes, we went to Butterley.

I will not stop to ask what passed there; there you were halted?—Yes.

From thence you went to Ripley?—To Greenwich.

And so on to Ripley?—Yes.

Then to Codnor?—Yes.

Did any other persons join you before you got to Codnor?—No.

Where did that party join you?—At Codnor.

Where did that party come from?—From Swanwick, I suppose.

What house did your party go to at Codnor?—Mr. Clark's.

What was the sign?—I do not know.

That is not the Glass-house, I believe?—No.

Did you afterwards go to Langley-mill?—Yes.

Were you halted there?—Yes.

Did you see any thing of the prisoner, George Weightman?—Yes.

Was he on foot or on horseback?—On horseback.

Which road had he come?—He had come from towards Nottingham.

Were you in rank at the time he came?—Yes.

Did you hear him say any thing?—Yes.

What did you hear him say?—He said, "All is well at Nottingham; rush on, rush on my lads, they are at it now at Nottingham, and the job is nearly done."

After he had said this, where did he go?—He went into the yard of the public-house.

With whom?—I did not see.

Did you see Brandreth the captain?—I cannot say as to him.

Was any thing said, by any body, as to what they were doing at Nottingham, after he had gone into the yard?—No.

You then marched on with them?—Yes.

Where did you march to?—To Eastwood.

At Eastwood you took an opportunity of escaping?—No, I offered to do so.

Could you do it?—No.

When did you escape?—I escaped the other side of Eastwood-common.

Hugh Booth sworn.—Examined by
Mr. Reynolds.

Are you a wheelwright?—Yes.

On the 9th of June did you live at Pentridge-lane-end with your father?—Yes.

About what hour?—Between twelve and one.

What disturbed you?—A party of men.

What did they do?—They came and knocked at the door.

Did you get up?—Yes.

Did you go down stairs?—Yes.

When you got down stairs, who was the first man you saw?—Samuel Hunt.

Was he armed with any thing?—Yes.

What with?—With a pike.

Whom else did you see?—I saw Joseph Topham.

Was Joseph Topham armed?—Yes.

Whom else did you see?—There were many others that I did not know.

Were you forced to go with them?—Yes.

Did you go to John Turner's in Pentridge-lane?—Yes.

Did you hear any body say any thing there?—Yes.

Whom?—Joseph Topham.

What did he say?—He asked John Turner to get up.

Did they get Turner away?—No, they did not.

Did you go on to Anthony Storer's?—Yes.

Did you see John Storer?—I saw him in the ranks.

In going into the village of Pentridge, did you hear any of the party say any thing?—Yes.

Who was it?—Isaac Ludlam.

What did you hear him say?—"It is brought to a head at last; we are going to Nottingham, there will be a parliament formed there."

Did he say any thing else?—He said they were going to guard it.

Did they go to Nathaniel Walter's afterwards?—Yes.

Was he fetched out?—No.

Did they go up to John White's?—Yes.

Did you go with them there?—No.

Did you make any further inquiry of Isaac Ludlam?—I asked him where we were going.

Did he make any further answer?—He said that they were going to Nottingham.

Do you know Manchester Turner?—No.

Did you see a person with one eye?—I did not see him; I saw a person with a blue coat and blue trowsers, who carried a sword.

Did he say any thing?—Yes.

What did he say?—He said they were going to Nottingham to unload the burthen England had so long undergone.

Were you put into the ranks?—Yes.

Did you go on to Pentridge?—Yes.

Do you know Ann Viton?—Yes.

She lives at Pentridge?—Yes.

Did you stop there?—Yes.

Did you hear any thing said there?—I heard Joseph Topham say, here are John Bacon and George, we will have both them out.

Did any of the party go up to Viton's?—Yes.

Who?—The Nottingham captain.

Brandreth?—Yes; William Turner and Joseph Topham went towards Viton's door.

Did you see whether they went in or not?—No, I did not.

Did you see any body standing at her door?—No.

Where was Samuel Hunt?—I do not know.

When you were at Benjamin Topham's, did you hear any thing said about the engine?—Yes.

What was said about the engine?—I heard one of the party say, here is our master's foreman down at the engine, we will go and fetch him up.

Did you hear any of the party say any thing to that?—Samuel Hunt said, I will go with you.

Did you go on to old Joseph Weightman's?—Yes.

Did you go to James Booth's?—Yes.

You mean you and the others?—Yes.

At James Booth's was any thing taken away?—I did not see any thing.

Did you go to George Topham's?—Yes.

Did you stop there?—Yes.

Was any thing done there?—The captain said, bring me a ringer, and take in Ben here.

The Nottingham captain, Brandreth?—Yes.

What is a ringer?—An iron bar.

Was any thing done there?—I did not see any thing.

You went afterwards to William Booth's?—Yes.

To any other places?—No.

Did you see any thing of George Weightman?—Yes.

Where did you first see him?—I saw him at William Booth's, against William Booth's gate.

Was he walking, or what?—He was leading a pony.

Did you hear the party say any thing about him or his pony?—No; John Storer was upon the pony.

Did you afterwards see any body else upon the pony?—I saw George Weightman afterwards upon the pony.

Did he go away?—Yes.

Was any thing said by the party as to where he was gone?—I did not hear any thing.

You went on to the Butterley works?—Yes.

After you had gone from Butterley, did any other persons join you?—I went no further than Butterley.

You got into the office?—Yes, I did.

Besides those you have mentioned, whom else did you see there; did you see William Ludlam?—Yes.

Joseph Savage?—Yes.

Whom else did you see, Joseph Taylor?—Yes.

Benjamin Taylor?—Yes.

James Taylor?—Yes.

Alexander Johnson?—Yes.

You have mentioned George Weightman, any other Weightman?—Joseph Weightman, William Weightman, and Thomas Weightman.

Do you know a person of the name of Samuel Walters, or Dudley?—Yes; I saw him.

He was of the party?—Yes, he was.

Were those persons armed?—Yes.

All?—Yes.

Mr. John Storer sworn.—Examined by Mr. Richardson.

I believe you are a farmer at Pentridge-lane-end?—Yes.

The son of Anthony Storer?—Yes.

Were you disturbed at any time on the night of the 9th of June, and by what?—By a body of armed men.

Doing what? how did they disturb you?—They presented guns at me.

Did you hear any noise first of all?—Yes, a violent knocking at the door.

Did they say any thing?—Yes.

What did they say?—They said, “damn your eyes, come and go with us, or we will shoot you.”

Did you go to the window to look out?—Yes, I did.

Did you see any number of armed men when you looked out of the window?—Yes, I saw twelve or fifteen.

Did they do or say any thing to you at that time?—They said, they would shoot me if I would not go with them.

Did they or you say any thing more?—I asked them if there was no excuse; they said, no.

What was further said?—They said, the captain had shot Hepworth's man, and all must go, or be shot.

In consequence of the threats used to you, did you come down and join them?—Yes, I did.

Did they demand your arms?—Yes; they demanded my gun, or they would shoot me, and all in the house.

Was any thing said about ammunition?—They asked me if the gun was loaded? I told them not; they asked me if I had any shot and powder? I told them I had a little shot; they

said, it did not mean, they should soon have plenty of ammunition.

Did you bring your gun with you when you went out?—Yes, I took an old gun with me.

I believe you pretended to be sick?—I told them I had been very unwell the day before, and was not fit to go with them, and could not carry the gun; they said, it must go by the baggage.

What did you say to that?—I asked them where the baggage was.

What answer did they make?—That they had not any, but soon should have.

Did you ask any question about what their object was, or where they were going to?—I asked them where they were going to.

What answer was given?—They said, to Nottingham; that there was a general rising; that twenty-five or thirty thousand were coming from Sheffield; that several hundred thousand would be assembled that day; that liberty would be gained; and an end of slavery.

Did you go with them into Pentridge-lane?—Yes, I did.

Was the body there formed into ranks?—No; they waited for the captain and the main body coming from the lane end.

Did the captain and the main body come and join them?—Yes, they came up.

What was then done?—The captain ordered them to fall in three deep.

Was that done?—Yes.

What else was done?—He asked if there were any men who could do their duty, or who had been in the militia; if there was, they must fall out.

Did any fall out in consequence of that?—I believe some did.

Was the body formed three deep?—It was.

Were there any persons who acted as officers?—Yes.

Was there any rear guard?—There was an advance and rear guard appointed.

Being formed, did you, by the captain's order, march to Pentridge?—We did.

Were houses attacked there?—Different houses were broken open, and men and guns taken out.

Who were the active persons employed?—Jeremiah Brandreth.

Any others?—A young man he called Manchester Turner, William Turner, Isaac Ludlam, George Weightman the prisoner appeared very active.

Any other in particular?—Yes, several more; Samuel Hunt and others.

Active in what you have been mentioning; attacking the houses, and taking the guns and the men?—Yes.

At Pentridge you contrived to effect your escape?—Yes, I feigned myself ill.

After being threatened very hard, you were permitted to make your escape?—Yes.

Did this body of armed men march away from Pentridge soon after?—They did.

Soon after they were gone, did you go to William Weightman's house?—Yes, I did.

You went in company with William Booth, I believe?—Yes.

Did you find any thing there?—There was a bag of bullets.

Of what size or weight?—Of different sizes; I thought about four or five stone weight.

Did William Weightman say any thing to you about them?—He said he must follow with the bullets.

Follow whom?—Follow the armed men.

What did William Booth and yourself do, in consequence?—We advised him not, but to hide them and himself too; he said he must take them, or he should be shot.

Did you go for a constable?—Yes, I went with Booth to Edmund Clarke, a constable.

To fetch him?—Yes.

In order to prevent his carrying the bullets?—Yes, to take them away.

Did you return with the constable to William Weightman's house?—Yes.

Where you had seen the bullets?—Yes.

Could you get into it?—We did not go in; his wife stood at the door, and held it in her hand.

Could you find either William Weightman or the bullets?—No; she said the bullets were gone.

You did not see them, or William Weightman?—No.

How long might you have been absent in going for the constable and returning?—Not more than ten minutes.

Mr. John Storer cross-examined by
Mr. Denman.

You pretended to be ill, you say?—Yes.

In consequence of your appearing to be ill, did some of those persons hold you upon the pony?—Yes.

Do you recollect who did that?—George Weightman was one.

William Shipman sworn.—Examined by
Mr. J. Balguy.

Were you in the service of Mr. Samuel Fletcher, in the month of June last?—Yes.

He lives at Pentridge-lane-end?—Yes.

Do you remember being disturbed on the night of the 9th of June?—Yes.

What disturbed you?—A knocking at the door.

What time of the night?—About twelve o'clock.

Did you get up?—Yes.

Whom did you find there?—Joseph Topham.

Did you find many persons there?—Yes.

Armed or unarmed?—They were armed.

What did they want?—They wanted a man and a gun.

Did they take a gun?—Yes; I gave it them through the window.

Did they force you to join them?—Yes.

When you joined them, how many persons did you find in that body?—I can hardly answer; there were twelve or thirteen.

When you got into the lane, how many were there, thirty or forty?—Yes, I dare say there were.

Did you go with them to Pentridge-town?—Yes.

When you got to Pentridge-town, do you remember seeing the prisoner, George Weightman?—Yes.

Had he marched with you to Pentridge-town, or did he join you there?—I did not see him till we got to the bottom of Pentridge-town.

Were you in ranks at the time?—Yes.

Where did you see the prisoner?—The first that I saw of him was at the bottom of Pentridge.

Were you marching on, or were you halting at the time?—We were halted.

Was he in the ranks himself, or standing by the side of the ranks?—He was by the side of the ranks when I saw him.

Do you remember a person of the name of Tapleton coming up to the prisoner, and speaking to him?—Yes.

What did he say to him?—He told him there were two barrels of gunpowder in Mr. Harvey's warehouse at Fleece, but they had not strength enough to get it out.

Did the prisoner say any thing to him?—I did not hear him.

Do you remember going on to James Walters's?—No.

In Pentridge?—No, I went near to James Walters's.

When you were near to James Walters's, did you see the prisoner?—Yes.

Did you hear him say any thing at that time?—Yes, he came into the house I was in, to light a candle.

What house was that?—Thomas Shipman's.

How far was that from Walters's house?—About twenty yards.

What did he say when he came to light the candle?—He said, "well, lads, we are going to draw the badger."

Had they before been talking of going to Walters's house, and taking Walters out of it?—I had not heard that.

I believe you went with this party as far as Langley-mill?—Yes, to Kimberley.

Do you remember after you had seen the prisoner in Shipman's house, seeing the prisoner again?—Yes.

Where was that?—At Mr. Booth's in Pentridge.

Did you see him take Booth's pony?—No.

Did you see him on the pony?—Yes.

Did he ride away from you on the pony?—Yes, he rode down towards Butterley.

Is that in the road towards Nottingham?—Yes.

I think you say you continued with those persons to Kimberley?—Yes.

How far is that from Nottingham?—I do not know, about five miles, I think.

When was the next time that you saw the prisoner?—At Langley-mill.

Was he on horseback at that time?—Yes.

Which way was he riding?—Towards us.

You were marching towards Nottingham, and he was riding as from Nottingham, and met you?—Yes.

Were you marching in ranks at that time?—Yes; some of us, not all.

Did you hear the prisoner say any thing?—Yes.

What did you hear him say?—They *ased* how they were going on.

How they were going on, where?—At Nottingham.

What did he say to that?—He said, well, the soldiers were in the barracks, the town was taken, we should march forwards, and we should have nothing to do when we got there.

Samuel Clifton sworn.—Examined by
Mr. Solicitor General.

I believe you live near Kimberley?—Yes.

Does your house adjoin the turnpike-road?—It is close by the turnpike-road.

How far is that from Nottingham?—Six miles; a trifle above six-miles.

Is that the road from Pentridge and Ripley to Nottingham?—It is the road from Ripley.

Do you know Langley-mill?—Yes.

It is the road leading from Langley-mill to Nottingham?—Yes.

Early on Tuesday the 10th of June, do you recollect seeing any person going along the road on a pony?—To the best of my knowledge about five o'clock in the morning, it was a wet morning; I had no clock in the house.

Were you getting up at the time?—I was just turning out to open my window-shutters.

What sort of a person was it upon the pony?—A stout well-built man.

How was he dressed?—In a kind of a slop dress with trowsers.

Which way was he going?—Towards Nottingham.

Did he say any thing to you?—He asked me if I had seen a body of men go by.

What answer did you make to that?—I told him no, that I was but just got up.

What did he say to that?—He told me I should soon see them coming by.

What did you say to him then?—I asked him what was amiss; and he told me he supposed Nottingham was taken by that time:—in the next place, I asked him where he was going; he said he was going to Nottingham for orders to know if he was to bring the men up.

What more did you say to him?—I asked him the sense of it, and he said, "liberty," and rode off.

Which way did he ride off?—Towards Nottingham.

Did you see the same man again in the course of that morning?—I went and reported the circumstance.

You went and reported the circumstance to somebody; I must not ask you the particulars of that: did you see the same man again in the course of that morning?—In the course of

an hour and a half, I met the same man on his return; I had no watch in my pocket, but I suppose it was about that time.

Where were you?—Near the tan yard.

Near Kimberley?—About a quarter of a mile from our house.

Nearer Nottingham?—Nearer Ripley-road.

Did you ask him any thing on his return?—I asked him how they were getting on in Nottingham; he told me they had been at it all night, but no lives lost. I asked him if the soldiers were out of the barracks, he said they durst not come out.

Did he say any thing more?—I will repeat the whole: I asked him if he was a servant or a neighbour; he said, no; he came from Pentridge, he had orders to bring his men up, and he rode off towards Ripley.

Mr. George Goodwin sworn.—Examined by
Mr. Sergeant Vaughan.

I believe you were the managing clerk at the Butterley-works, in the month of June last?—I was.

Tell me on what day preceding the 9th of June, you swore in any special constables?—On the 7th, the Saturday preceding.

How many did you swear in?—About a hundred and fifteen, or a hundred and sixteen.

On the evening of the 9th or the morning of the 10th, did you see any persons assembled?—On the morning of the 10th, a little after three o'clock, I saw the prisoner Weightman.

Did you know him before that time?—I did.

What was he doing, on foot or on horseback?—He was on horseback, riding from Pentridge towards Nottingham, past the Butterley-works.

Did you speak to him?—I did; I called to him to stop.

Did he make you any answer?—He did not; he merely turned his head round and rode off.

In what direction?—In the direction of Nottingham.

How soon after he had rode off, did you see any body of persons coming towards your works?—Very soon afterwards; almost immediately afterwards; in the course of a few minutes.

What did you see?—A body of men marching on the road from Pentridge.

Were they armed?—They were armed; the greater part with guns, and some with pikes, and there were a few that had no arms.

Were they marching orderly?—They were marching in regular military order, like a body of soldiers.

When they came to your works did they stop?—They marched up to the gates of the iron works, which were closed, and there the captain halted and fronted.

Who gave the order?—The captain, Brandreth; "Halt! to the right face, front!"

Upon that being done, what followed?—I said, "What do you want; what is your object here;" he said, "We want your men."

The captain said that?—Yes; I said, “you shall not have one of them; you are too many already, except you were going for a better purpose;” I bid them disperse, and told them the law would be too strong for them, that they were going with halters about their necks, and would all be hanged.

What became of them, after some further conversation?—The captain gave them the word “March!” and they went away.

After they were gone, were they followed by any other body of persons?—There was another body came in about a quarter of an hour.

How many?—About forty, I should think; but I was not very near them; they did not come so far as the office.

Was that body armed?—They were, as far as I could see.

After that body had passed, were they followed by any other individual that you knew?—They were; in about half an hour William Weightman, the brother of the prisoner, and a young man of the name of Taylor, came; Joseph Weightman was on horseback.

Did you stop Weightman, and take any thing from him?—I stopped him, and took from him a bag of bullets.

Is that the bag?—That is the bag.

Do you know what weight of bullets there were?—About eighty-four pounds weight.

Of different sizes?—Yes, there are a great variety of sizes, for various bores.

Did you find any thing besides bullets?—There are moulds for making cartridges, and paper.

Was there any smaller bag within the bag?—There was a smaller bag within the larger bag; a stocking foot, or something of that kind: this is it [producing it].

What did that contain?—There were bullets in that.

Do you know how many rounds of ball there are?—I think there may be from fifteen hundred to two thousand balls of different sizes; I cannot say exactly, but that is my guess.

You have told us before, you had sworn in special constables; had you made any preparations before hand for defending your works?—We had on the Monday afternoon; we had caused a few pikes to be made; we expected from the appearances there would be a disturbance.

Mr. George Goodwin cross-examined by
Mr. Denman.

How long have you known this young man?—Several years.

As many as ten?—Not so many as ten, I should think.

Do you know what character he has borne, as a peaceable, sober, quiet man?—I do not know much of his character; he was in our service for some time; he then behaved properly.

You do not know what his general character has been since that?—I do not know further than his character while he was with us.

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William Roper sworn.—Examined by
Mr. Clarke.

Where do you live?—At the race stand on Nottingham Forest.

Were you coming home from Nottingham to your own house on Monday-night, the 9th of June?—Yes.

About what time?—About half past eleven o'clock.

Did you see any persons upon the forest as you came along?—Yes.

Many?—I saw two men first on the race course, and two afterwards; after that considerably more.

Did you afterwards see any other men?—Yes.

How many do you think?—I should suppose about a hundred.

How were they when you first saw them; standing still, or going on?—Standing still.

Drawn up in line?—Yes.

Had any of them any thing with them?—Yes.

What was it?—Long poles in their hands; those to the right of the line, not all of them.

How many might there be with poles of those you saw?—About a dozen.

Were they such sort of poles as those upon the table?—Yes.

Did you go into your own house?—Yes.

Did you see any thing more of those men?—Yes.

Where?—Under the piazzas in front of the stand.

Under the piazzas in front of your house?—Yes.

Did they say any thing to you?—I went out of the house, and saw the people come; and after that I went in, and locked the door; about one o'clock there was a violent knocking at the door; I went to the door, and asked them what they wanted; they asked me if I had got any fire-arms in the house; I told them, yes, I had; they told me I must deliver them up to them; I told them I would not; they said, if I would not, they should be under the necessity of breaking the door open, and taking them by force.

What did you say to that?—I told them, if they did, I would blow the first man's brains out that entered.

Did you hear them say any thing upon that?—Yes; they said, would I? I said, yes; they then called the men with the fire-arms.

What did they say?—A man at the door said, “the men with the fire-arms come forward!” The place is paved with flag stones; I heard a bustle upon the floor, and then I heard one come forward, who asked how many arms I had; I told them I had two, a rifle piece and a fusée. They asked me if I would give them to them; I told them, no; they asked me, if I would sell them; I told them, no, I would neither sell them nor give them, I would not part with them.

Did they ask any other questions?—No, I do not recollect any others.

What became of them?—They asked me if I had not more; I told them, no, I had not; and then they told me, they understood there were some arms lodged there; I told them there were no arms there but my own; but if they disputed my word, if they would draw back, and select one of their party, he should come into the house, but I told them if a second came in, that I would run him through, that I was prepared for them.

About what o'clock was it when they left the piazzas?—About two.

You saw no more of them?—No.

Did you find that they left any thing behind them?—I went out at three o'clock in the morning, and found a pole at the door.

That sort of pole?—Not so good as one of those.

Captain *Frederick Charles Philips* sworn.—
Examined by Mr. Gurney.

I believe you are a captain in the 15th Hussars?—I am.

On Monday the 9th of June last, were you stationed at Nottingham barracks?—I was.

In the evening of that day, was Nottingham in a state of quiet, or of commotion?—I understood it was in a state of commotion; there were troops sent for from the barracks by the magistrate.

When your troops arrived, I believe the mob had dispersed?—They had dispersed; we were kept there about half an hour.

You went into the town with the troops, and found the tumult had subsided?—Yes; and we then returned to the barracks.

In consequence of symptoms that appeared, was there a magistrate in the barracks all night?—Yes, Mr. Kirby stayed there all night.

At an early hour in the morning did any alarm reach the barracks, as to what was going on elsewhere?—I was ordered out at half past six in the morning to go with Mr. Rolleston and Mr. Mundy, who were magistrates.

Besides your cavalry, was there a body of infantry?—Not at that time; there was at night.

Did you go on the road towards Eastwood?—Yes.

As you approached Eastwood, did you observe some men in a state of dispersion?—I observed some men making their escape to the left of the road, armed with pikes.

Some of them were pursued, and then you proceeded straight forwards?—Some were; and then we proceeded on through Eastwood.

Did you find any body in the road beyond Eastwood?—Between Langley-mill and Eastwood, there was a party consisting of about sixty.

Was that party armed?—Chiefly, I think.

Did it appear to have a leader?—There did; there appeared to be a man, whom I took to be their leader, attempting to form them upon the road.

Do you mean, to form them to receive the charge of your cavalry?—It appeared so to me.

Did they wait to receive the charge of your cavalry?—No, they dispersed; they paid no attention to this man, and they ran across the fields.

Did you and the magistrates and the soldiers pursue, and take all the prisoners you could?—We did; we took about six and thirty.

As those persons fled, did many of them throw away their arms?—Most of them threw away their arms; five or six of the men were taken with arms in their hands; the rest of them threw them away.

Did your men pick up a considerable number of muskets and pikes?—Yes, they did.

Those are part of them, I believe?—Yes, those are part of them.

There are a great many more in the adjoining room, I believe?—Yes, there are.

The guns were loaded, I believe?—Yes, they were; at least I saw three or four of them that were.

Mr. Attorney General.—That, my lord, is the case of the Crown.

DEFENCE.

Mr. Cross.—Gentlemen; You are the fourth jury who, in the course of ten days, have been impanelled, after more than an hundred challenges on the part of the accused, to try the truth of the allegations contained in this indictment; and although you have been properly cautioned, by the solicitor-general, to forget the former verdicts, it is impossible for me to forget, that the three juries who have preceded you, have successively, with the unanimous concurrence of the learned judges, found the allegations in the indictment to be proved;—that there has been an insurrection, which had for its object nothing less than the overthrow of the constitution and government of the realm, and that treason has been committed. What then remains to his counsel for discussion, but the question, whether the individual now upon his trial, took a voluntary and active part in the commission of that treason?—alas! gentlemen, that he did so, has been proved by at least a dozen witnesses, and we have none to contradict them, nor can we refute their testimony. Under these painful circumstances, I trust my learned friend, and myself, will not be suspected of any dereliction of our duty, when we forbear to controvert those facts which have been so repeatedly found to be proved. I trust that we have fully and faithfully discharged that duty, which the court, at the request of all the prisoners, has been pleased to assign to us; we have endeavoured to bring into their service, all the means that nature, education, or experience, have supplied to us; we have, I trust, left nothing undone, that it was in our power to do in their behalf. For myself, I beg leave to say, this has been the most arduous and the most anxious labour of my life: deeply have I commiserated the condition of these misguided men; I am persuaded, and I am confident every one who has

heard these trials is persuaded, that they are not the authors of this treason;—it originated not with them,—they are the ignorant and deluded instruments of traitors, more wicked, but more wary, than themselves; but, if the sword of justice must fall somewhere,—and somewhere I fear it must,—may the blood of the unhappy victims lie heavy on the heads of those, by whom, in a season of adversity and discontent, they have been seduced from their allegiance.

For the wretched man who stands before you at the bar, we can only implore the mercy of the Crown;—we can only implore the recommendation of those, whose recommendation perhaps, on such an occasion, may be listened to, and may be of effect;—we hope there are circumstances in his case which may lead to some distinction in his favour: his was but a subordinate part in these outrages; and you will not fail to recollect with what generosity of heart he assisted the escape of one, who was forced against his will to take a part in them; of his appearance and demeanor you yourselves have had an opportunity of judging; he is the parent of an infant family, now with their anxious mother, waiting, with throbbing hearts, the event of your decision; he is but at an early period of life, he might yet learn a salutary lesson from these proceedings, and yet become an useful, industrious, and loyal member of the community;—such these unhappy transactions found him, and such he would still have been, if he had not been thus basely seduced from his allegiance. To those seductions, which have misled so many loyal people from their duty, I have on a former occasion alluded; I shall do no more than allude to them at present;—my unfortunate client casts himself, with all humility and contrition, for mercy, at the foot of that throne he has assaulted, where mercy, on just occasions, is never sought in vain; for mercy alone I can ask, and that mercy, I confidently hope, may be extended to him.

This day brings to a close another year of the long and glorious reign of our venerable and gracious sovereign; would to God it might close these unhappy proceedings! may the next year commence a new era of domestic peace and civil union!—may this great nation henceforth enjoy a long continuance of that prosperity, which nothing but civil discord can prevent!—A salutary lesson has, I am sure, been given to the public, by these proceedings; and I trust all who have witnessed them will retire in admiration of the inflexible integrity, the wisdom, the supremacy, and the majesty of the law of England, to which the prince and the people owe equal homage and subjection.

EVIDENCE FOR THE PRISONER.

Samuel Curzon sworn.—Examined by Mr. Denman.

How long have you known the prisoner George Weightman?—Three years and better;

he has lodged at my house at different times for three years; not three years together, but at different times.

Have you had an opportunity of knowing what his character has been?—Oh, yes; he always behaved very well at my house, and paid his way like a man.

Was he always considered a peaceable and quiet man?—For any thing I have known.

And you have had an opportunity of knowing?—Yes, he has been at my house a deal.

John Smith sworn.—Examined by Mr. Denman.

How long have you known the prisoner?—Something better than ten years; he has worked with me about six years at intervals.

What has his character been?—I never saw any thing against him; but he has appeared to be an honourable upright man.

Did you consider him a peaceable, and sober and well-conducted man?—Yes, I never saw any thing to the contrary.

Edward Clark sworn.—Examined by Mr. Denman.

I believe you are the constable of Pentridge?—Yes.

How long have you known George Weightman?—Upwards of twenty years; ever since he was a little boy.

What character has he borne?—I never knew any thing against him till this unfortunate affair.

Did he bear a good character as a peaceable and quiet man?—Yes, I never heard the contrary; not till this happened.

Mr. Denman.—Gentlemen of the jury; I think you will agree with me, that it is quite impossible for any counsel who is concerned in the defence of this unfortunate prisoner, to have an opportunity of addressing the jury upon the subject, without exercising that privilege; yet I do feel, after what has been already said to you, by my learned friend, with so much feeling, sense, and truth, that I should be doing something worse than wasting your time, if I were to attempt to add any thing to the impression, which not only his address, but the whole circumstances of this case must have made upon your minds.

The cause is over; we do not make the show of an unavailing resistance;—we have cast away our arms;—we cry for mercy! It will be for you to say, when those circumstances are detailed to you by the learned judge, which have been already proved in evidence, but upon which I really am not competent to observe, whether you do not think that the conduct and character of this unfortunate individual are such, as to entitle him at your hands to that recommendation, which I am sure the Crown would be happy to attend to, if you, under all the circumstances, thought yourselves privileged to give it. I will not detain you longer, gentlemen, from hearing the evidence: which, I trust, will convince you that you ought to bestow that assistance and that succour, which

alone an unfortunate and misguided man is capable of receiving at your hands.

Mr. Justice Holroyd.—Prisoner at the bar: Now is the time for you to say any thing which you may wish to say in your own defence. You are entitled, if there is any thing that you wish to say to the jury, to say it, although your counsel have urged what they thought fit. Do you wish to say any thing?

Prisoner.—I leave it to my counsel, my lord.

REPLY.

Mr. Attorney General.—Gentlemen of the Jury; After what has been said, by both my learned friends, standing as counsel for the prisoner at the bar, it is impossible that it can be necessary for me to take up many moments of your time, in the few observations that I have to address to you. Mr. Cross has truly stated to you, that the nature and character of this transaction, generally speaking of it, have been most thoroughly, most anxiously investigated, by the learned judges and by three former juries; that the nature and character of the transaction, as constituting the offence of high treason in somebody, have, after that investigation, been decided in a manner against which no human being, with a reasonable mind, can lift up his voice. Let me do justice, however, to my learned friends, in saying this, that whilst it was possible that argument could be kept up, for the advantage of those for whom they have been counsel, every thing that learning and research—every thing that ingenuity and talent—every thing that eloquence and forcible appeal to the understanding, or passion, of those who were to decide, could bring into the field, for the advantage of those for whom they have been concerned, has by them been made use of. I am quite sure that they, when they shall retire ultimately from this place, may go home and lay their hands upon their hearts and say, we have done our duty; for they have done it well.

As has been truly stated by my learned friend, Mr. Cross, if the character of the transaction itself is decided (and about that there can be no doubt) namely, that these acts, committed with the intentions with which they were committed, amount to the crime of high treason, the only question that can remain in the individual case is, whether the particular person standing before you is implicated in those acts, cognizant of the intentions with which they were committed, and a party, an assistant, and an active partizan, in the commission of those acts. A body of evidence has been brought before you—which my learned friends have truly stated they can have no means of contradicting, because it is perfectly true, and it is impossible to contradict it,—which does prove that the prisoner at the bar, beyond a doubt, was concerned in this transaction; that he was cognizant of the intent of those who were acting at the times about which we have given evidence; that his

mind went along with them, and that he applied all the energy—if I may use the phrase—of which he was capable at the time, in carrying on, as an active partizan, this unfortunate and nefarious transaction.—If that be so (about which no human being can doubt) you have, as jurymen, to exercise and to perform only your duty of pronouncing, according to the evidence you have heard, that verdict, which can alone be supported by the evidence, namely, that he is guilty.

With respect to that forcible appeal, which has been made by my learned friend, to mercy, I, and those who stand here, are not the dispensers of that most excellent quality (when properly exercised) which belongs to man; that must be left to others. My learned friends have introduced one branch or species of evidence which, as addressed in one point of view, has been wisely and properly done, as in another point of view it can have no effect—I mean, the evidence to this man's character. As applying to the facts of the case, upon which you are to exercise your judgment, it has no weight; and I will tell you why:—In cases in which it is doubtful whether crimes are committed; where there is reasonable doubt or balance of testimony, character may be introduced to shew or to endeavour to shew, the improbability of a person who has that character, committing the offence;—but when the facts are proved beyond all doubt and dispute; when there is no contradiction in the testimony; when, if what the witnesses have proved, is true, the guilt of the prisoner is apparent, however one may lament that a man, previously of good character, may have committed such a crime; if the crime has been committed, and that is proved, the verdict must follow in consequence of that proof.

With respect to that which has been addressed to you upon the subject of recommendation, I have not one word to say; that must be matter for your own consideration; that must be matter which must be weighed entirely by others. I will not say one word upon that subject; because whatever I might think about it, as applied to the particular case, unless I were called upon by my duty to step between any human being and mercy, I certainly should abstain from doing it; if I were called upon, I must then perform my duty; but all the duty I have here, is to bring the case against the prisoner at the bar, fairly before your judgment, that, upon that case you may exercise your honest understandings, and pronounce that, which you are bound to do by your general duty as men, and which as jurymen you have bound yourselves to do by the solemn obligation of an oath—pronounce a verdict according to the evidence.

SUMMING-UP.

Mr. Justice Holroyd.—Gentlemen of the Jury; after the very long and patient investigation, which every one must be satisfied has been given, both to the present case, and to

those which have preceded it, the judgment of the learned counsel for the prisoners, has felt, that it is impossible they can withstand such a body of evidence as has been given against the prisoner at the bar in the present case; for that the facts which are given in evidence supposing them to be true, (and of that no doubt appears to be entertained, but of that it is your province to judge) are sufficient most clearly and indisputably to establish the crime of high treason against the prisoner at the bar.

There is not, in law, certainly, any doubt that an insurrection for general public purposes, that is, a rising of a considerable body of people for those purposes, and the attempting to carry them into effect by force of arms, is a levying of war, and is high treason; and there cannot be the smallest possible doubt that that design which has been spoken of by the different witnesses, supposing it to have existed—and you see by how many witnesses it has been confirmed, of the testimony of the greatest part of whom there does not appear to be the smallest impeachment—supposing the design to exist, there cannot be the least doubt but that such a design to subvert the constitution and to depose the government, is high treason; no judge has ever doubted it, either before the Revolution of 1688, or since; upon all occasions it has been acted upon, and never questioned by any of them.

It is most unquestionably my own opinion, and I speak the opinion, I believe, of the rest of the Court when I say this, respecting the learned counsel for the prisoner, that no learning, ability, or ingenuity, has been wanting on their part, nor the most strenuous exertions; and that, if any thing more could have been done, with the smallest hope of success, consistently with their duty to you and to the public, it would have been done; there have been in the preceding cases the most strenuous exertions on the part of the prisoners by their counsel; here they have acted wisely, in endeavouring to rest the case upon the mercy of the Crown; for mercy is the prerogative of the Crown. It is your province, and it is the province of the Court, in stating to you the points of law, and in guiding your decision rightly to the points of fact, to confine ourselves to the law as we find it laid down, and to the facts as they are proved; those alone are the duties of the Court; the only question you have to decide is, whether the prisoner is guilty, or not?

If you wish it, I will go through the evidence, and state the different points of law, and likewise the different observations upon the facts, how they bear upon the prisoner; in case you are not satisfied, that the charge is proved against him; or if any one of you has a doubt about it:—but if no one of you has the least doubt, it would be an unnecessary expense of your time, and the time of the country, to recapitulate the evidence, and to make observations upon it. If it be in any degree wished for by any one of you, and you think

justice will be better executed by you in consequence of my so doing, I am most ready to proceed.

[The Jury consulted together.]

Lord Chief Baron *Richards*.—Gentlemen, if you have any desire to withdraw, in order to consider whether you wish to have the evidence stated to you, there is not the least objection to it. The learned judge is very desirous of doing whatever is considered by you most useful.

Foreman of the Jury.—The gentlemen wish to retire to consider of their verdict.

Lord Chief Baron *Richards*.—If you wish to retire, to consider of your verdict, perhaps it would be better that you should hear the evidence first.

Foreman of the Jury.—No, my lord, we are all satisfied with the evidence; we have heard the evidence, and would not wish to hinder the Court in hearing it again.

Lord Chief Baron *Richards*.—Let us understand each other upon this very important subject; the learned judge has stated to you, his readiness to read all the evidence that has been taken by him; if you have any doubt at all upon the subject of the evidence, it is very fit that you should hear it; if you have no doubt upon the subject of the evidence, then, to be sure, you need not be troubled with it. Will you have the goodness to consider, whether you wish to hear the evidence or not? You can tell without going out, I should conceive, whether you wish to hear the evidence; you must not go and consider of your verdict out of doors, without knowing what the evidence is.

A Jurymen.—We have no doubt upon the evidence.

Lord Chief Baron *Richards*.—Then if you have no doubt, you may bring in your verdict.

[The Jury consulted together.]

Foreman of the Jury.—My lord, the jury seem to wish the evidence to be proceeded in, and commented upon.

A Jurymen.—My lord, the jury are all satisfied; they do not wish to hear the evidence.

Lord Chief Baron *Richards*.—Are you all of the same opinion, Gentlemen?

[The Jury consulted together.]

Foreman of the Jury.—We are satisfied, my lord; we say, that the prisoner is guilty; but we strongly recommend him to mercy, in consideration of his former character.

The verdict was recorded, that the jury found the prisoner GUILTY; that he had no lands, &c. to their knowledge; and that they strongly recommended him to mercy, in consideration of his former character.

Adjourned to to-morrow morning, nine o'clock.

FINAL PROCEEDINGS

UNDER THE
SPECIAL COMMISSION.

Saturday, 25th October, 1817.

Thomas Bacon, John Bacon, Samuel Hunt, Joseph Turner, otherwise called Manchester Turner, Edward Turner, John Union the elder, John Mac Keswick, German Buxton, and Josiah Godber, were set to the bar.

Mr. Denman.—My lord; I am now to make an humble application to the Court, which I trust will meet with attention; it is simply that these persons, who have been called up, and pleaded not guilty, may be permitted to withdraw that plea, and plead guilty; and throw themselves upon the merciful consideration of those in whose hands their case is.

Mr. Attorney General.—I can make no objection, of course, to what is proposed.

The prisoners severally pleaded guilty.

John Moore, Edward Moore, Charles Swaine, John Hill, Joseph Reason, otherwise Joseph Thorpe, George Brassington, William Hardwick, William Weightman, Alexander Johnson, and Thomas Betterton, were set to the bar.

Mr. Denman.—On behalf of these prisoners, I beg leave to submit the like motion, that they may be also permitted to withdraw their plea of not guilty, and plead guilty.

The prisoners severally pleaded guilty.

Isaac Ludlam the younger, Samuel Ludlam, William Ludlam, Robert Turner, Joseph Weightman the younger, James Weightman, Thomas Weightman, William Adams, John Wright, Joseph Topham, Thomas Ensor, and Joseph Savage, were set to the bar.

The panel was called; and the first twelve gentlemen who appeared, were sworn.

THE JURY.

William White	Thomas Robotham
Thomas Borough	Robert Frost
William Morley	John Tempest
William Wilkes	Thomas Archer
John Stretton	Thomas Orme
Robert Beard	William Bailey.

The jury were charged with the prisoners, in the usual form.

Mr. Attorney General.—Gentlemen of the jury; I think I see collected in that box some gentlemen who have served upon former juries during the trials which have taken place under the commission under which their lordships are sitting; others, I believe, are in that box, who have not been impanelled upon the former juries, but who probably have heard that which has been passing during the former trials.

Gentlemen, you who have officiated before,

during the existence of this commission, have had to perform a most important, anxious, and painful duty: important, as it affected the community at large, and the prisoners, whose conduct has hitherto been the subject of investigation; anxious, as it related to yourselves, that you might duly, well, and faithfully discharge that important duty; and painful in the extreme when you came to its ultimate fulfilment and performance, in consequence of your having found yourselves obliged, in the sacred execution of that function, to pronounce some of your fellow subjects guilty of the crimes with which they were charged. To relieve your minds in some degree at the present moment, I will tell you in the outset of what I have to address to you, which will be very short, that from the exercise of the painful part of your duty, you will upon the present occasion be exempt. It has been truly said, by a most able writer upon the criminal law of England, that one of the ends, and final causes of human punishment, is to deter, by the example of the convicted, others from offending in such like cases. I think I cite the very words of that great and eminent writer, Mr. Justice Blackstone.* When many persons are engaged together in committing crimes of a public nature, it is absolutely necessary, for the purpose of attaining that end, and final cause, to bring some, and often many of them, to the bar of a court of criminal justice; but when once the period arrives, at which one may hope—may almost confidently hope—that the examples which have been made by conviction, may attain that end: there can be nothing so gratifying as at that time to sheath the sword of justice, and extend the hand of mercy towards the remainder of the criminals.

You observe that amongst those unfortunate men who stand at the bar, many are in a very early stage of life; that they are very young; from that which has appeared hitherto, and from the names which have been read to you, you will have discovered, that many of them are connected by ties of relationship to others who have appeared to be guilty of the offence with which they have been charged; some of them are cousins, others are brothers, others are the nephews of those who have appeared to be most active in this most nefarious scheme; and two are the sons of one of the convicted persons. I am willing to suppose, that without due consideration, which, young as they are, still it was their bounden duty to pay to the obedience of the laws of their country, they have been induced to follow the bad example of others, to whom they would naturally have looked up as patterns of every thing that was good, by way of example, and therefore, have been misled by their examples, in pursuing that course which is charged upon them. It is for this reason that I have brought them before you this morning; not for the purpose

* 4 Comm. 11, 252.

of offering evidence against them, in order that you may convict, but for the purpose of stating to you, that I will offer no evidence, in order that you may pronounce a verdict of acquittal; hoping and trusting, that, so far from this having any improper effect upon their minds, it will restore them to the bosoms of the families to which they belong, to the friends who may hitherto have had affection and regard for them, and that, being so restored, they may profit by the example, which, from these proceedings, has been set, and become—what I hope, up to the time when they embarked in this dangerous and dreadful conspiracy, they were—honest, sober, industrious, religious members of society; and that, from this moment, they will, by their industry, their honesty, and their integrity, endeavour faithfully to perform their duties, in the several stations of life, into which it has pleased God to call them. This I most fervently hope!—And if, hereafter, I should hear that they have done so, that they have become valuable members of society, and that, if it pleases God to prolong their lives, they have, as they advanced in age, given examples to others of steadiness, of sobriety, and of integrity—if I shall hear this, which I hope I shall, I declare I shall derive more gratification from what I am doing at this moment, than almost from any previous action of my life.

I have endeavoured, through the course of this proceeding, to discharge my duty, as well as my poor talents would enable me, with justice to the country, and to all who have been brought before you; I can have no object but the welfare of the community; I hope, and I am willing to believe, that the step which I am at present taking, will operate as much to restore the minds of men to a due sense of their obligation to the laws of their country, as any previous step, that in the course of these proceedings has been taken. I ought to apologize to their lordships, and to you, for having stated what I have done, but I have thought it right to explain my reasons for the conduct I am pursuing; I may err, for aught I know, in my judgment, but it is the result of serious consideration in my mind, and I think I have come to the right conclusion.

Lord Chief Baron *Richards*.—Gentlemen of the Jury;—The attorney-general having, with that humanity which belongs to him, and, I may say, to those whom he represents, declined to offer any evidence against the unfortunate prisoners at the bar, your only duty is, to find them, not guilty.

The jury, immediately, found the prisoners, Not Guilty.

Clerk of Arraignment.—Did the prisoners, or any of them, say for it?

Foreman.—Not to our knowledge.

Lord Chief Baron *Richards*.—Prisoners:—The jury, because there has been no evidence offered against you on the part of the Crown,

have acquitted you. I hope, that you, and every one in court, heard every word which was addressed by the learned attorney-general to the jury, and that every word has made its due impression. Let me beseech you never to forget the danger which you have now escaped, or the clemency which has rescued you from death; for I, who have before me the depositions which have been taken before the magistrates, know, and it is my duty to tell you, that I must have pronounced the sentence of death upon you, if the king's attorney-general had chosen to proceed against you. He has taken compassion upon your youth; he has trusted, that you have been misled by others, to whom you gave improper confidence, and he flatters himself, as I flatter myself, that you will lead more correct and better lives in future. Take warning by what has passed; go home, and thank your God for the mercy which you have received; endeavour to lead sober and religious lives, and strive, day and night, to reform yourselves. Such conduct will render you once more a credit to society, and will enable you to lead happy lives here, and to attain a happy eternity hereafter. Go home and thank God.

Mr. Solicitor General.—There has been an inquisition returned before your lordships, charging, that some person unknown fired at and killed Robert Walters, and charging Isaac Ludlam the elder, William Ludlam, William Barker, William Turner, Manchester Turner, and Robert Turner, as principals in the second degree. The first objection to the inquisition, which I apprehend is fatal to it, is, that there is no proper venue to the allegation of the offence. In the margin there is, "Liberty of the Hundred of Scarsdale, in the county of Derby;" then it goes on, "An inquisition taken, (and so forth), within the hundred and county aforesaid, before his majesty's coroner for the liberty and hundred aforesaid, on the oaths of twelve persons, who do upon their oaths say, that some person or persons unknown, with force and arms, at the parish aforesaid, in the county aforesaid," no parish having been named. I apprehend that is a decisive objection.

Mr. Justice Abbott.—No doubt of it.

Mr. Denman.—Then, I apprehend, that disposes of all the records before the court; and I think it may be proper for me to say, from the part I have taken in these proceedings, that no man can wish more than I do, that all which has fallen from my learned friend should have its due effect on the individuals he has so mercifully discharged. I trust, if any spirit of disaffection and discontent has pervaded the country, which has produced on their minds something like a perverted allegiance—something like a notion that their neighbours, and those to whom they looked up, had not been justified in the proceedings they adopted, it will be destroyed by seeing such a mode of administering the laws, and such a disposition to apply mercy wherever it can be properly extended.

The prisoners who had been convicted, and those who had pleaded guilty, were put to the bar, and severally asked by the clerk of the arraigns, "What have you to say for yourself, why the court should not pass sentence of death upon you, according to law;"—when the following made answers:—

Jeremiah Brandreth.—I would ask for mercy if mercy can be extended towards me; and I would address you in the words of our Saviour, "if it be possible, let this cup pass from me; but not my will, but your will."

Isaac Ludlam.—May it please your lordships, if you can show mercy, do, for the sake of my wife and family, whom, I hope, your lordships will take into consideration, and show mercy unto me. I hope the court will in pity remember me, and spare my life; it shall be a life corresponding to the will of God and man; I shall take it as one of the greatest favours my God can grant me.

John Bacon.—I hope you will have mercy upon me.

Samuel Hunt.—I hope, my lord will have mercy on me.

Edward Turner.—I hope your lordships will have mercy upon me.

John Union the elder.—I have borne a good character before, and I beg pardon for my offence.

John Mac Keanwick.—I earnestly beg their lordships will extend their mercy towards me.

German Buxton.—I hope I shall be treated with mercy.

Josiah Godber.—I am a poor ignorant man, and I hope your lordships will have mercy upon me.

John Moore.—I hope your lordships will have mercy upon me.

Edward Moore.—I beg that I may be remembered in mercy.

Charles Swaine.—Do, my lord, have mercy upon me.

John Hill.—I hope my lords will show mercy.

Joseph Rawson.—I hope my lord will have mercy upon me.

George Brassington.—I humbly beg their lordships will extend their mercy towards me.

William Hardwick.—I trust I shall have mercy.

William Weightman.—Please my lord to have mercy upon me.

Alexander Johnson.—I hope your lordships will extend mercy to me, for the sake of my parents.

Thomas Bettison.—I hope for mercy.

SENTENCE.

Lord Chief Baron *Richards.*—Prisoners at the bar: To see so many persons, especially of your description, standing in the miserable condition in which you stand now before me, is indeed most melancholy; and you exhibit to the public, a spectacle, as afflicting as it is uncommon. I thank God it is extremely rare.

It must be most satisfactory to the world, and I hope administer some consolation to you, that you have had every assistance and advantage that any man labouring under any charge could have wished for. You have been defended by counsel of your own selection, who, without any the least interruption from any quarter, used every exertion in your favour, which their experience, their learning, and their great abilities could suggest to them;—I am speaking of such of you as persisted in the plea of not guilty. You who were tried, were tried by several juries, of as great respectability, as patient, and as attentive, as ever appeared in a British court of justice. During the whole of the investigation which has taken place upon this important and solemn occasion, every consideration has been paid by every side, to every thing that belonged to your defence. Those juries were compelled, by the clearest and most irresistible evidence, to find the four they tried, guilty of high treason. Those of you who were not tried by the juries, desired to be at liberty to withdraw your plea of not guilty;—you knew that your cases being the same, had been decided by the other cases; and that you were virtually condemned by the verdicts which were given, and the rectitude of which you were obliged to admit;—you were conscious of your guilt, and pleaded guilty: you are, therefore, all of you, guilty of high treason—the highest and greatest offence known to the law; it indeed in a manner includes every other. Your insurrection, I thank God, did not last long; but whilst it continued, it was marked with violent outrages, and by the murder of a young man, who did not offer even the least appearance of provocation to you; that conduct showed the ferocity of your purpose. Your object was, to wade through the blood of your countrymen, to extinguish the law and the constitution of your country, and to sacrifice the property, the liberties, and the lives of your fellow subjects, to confusion and anarchy, and the most complete tyranny. God be praised, your purpose failed.

It is not my intention to dwell upon this dreadful picture, which you exhibit; but I trust I may be allowed to express my sincere hope, and my earnest wishes, that the example which you furnish on this important day, may prevent others from yielding to the wild and frantic delusions of a rebellious spirit, and if there be such, deter them from becoming instruments in the hands of hellish agitators, if there are any behind, who, to gratify their own malignity, provoke and excite them, and plunge them into ruin in this world, and it is to be feared, in the next also! Let me beseech you to weigh well your conditions; your lives are become forfeit to the violated laws of your country; make the best use of the small remnant of those lives that you shall enjoy; endeavour to make some compensation to the society which you have injured, and pray God fervently for his forgiveness. I have nothing more to say upon this melancholy occasion, except that I must

repeat my sincere wishes, that your example may serve as an useful lesson to others; and that the excellent advice which some of you received from Mr. Goodwin, may never be forgotten, "That the law is too strong for rebels, and that they always carry the halter round their necks." I hope others, by remembering what passes to-day, may avoid the dreadful situation in which you are placed.

I cannot trust myself with speaking more upon the subject, but I hasten to pronounce upon you the last and awful sentence of the law; That you, and each of you, be taken from hence to the gaol from whence you came, and from thence be drawn on a hurdle to the place of execution, and be there severally hanged by the neck until you be dead—and that afterwards, your heads shall be severed from your bodies, and your bodies divided into four quarters shall be disposed of as his majesty shall direct; and may the Lord God of all mercies have compassion upon you!

Isaac Ludlam.—I hope your lordships will have mercy upon me.

Lord Chief Baron *Richards.*—Gentlemen of the Jury:—Your labours are over; and I should not be doing justice to the jurymen of this county, if I did not, in my own name, and in the name of the learned judges who surround me, render our thanks to you for your great attention and care. I may venture to say, that I never saw jurors, to whom I felt more obliged to pay every kind of respect and gratitude, than the juries who have assembled here on this occasion.

On Friday the 7th of November, Jeremiah Brandreth, William Turner, and Isaac Ludlam the elder, were drawn on a hurdle to a platform erected in front of the county gaol of Derby, where they were hanged until they were dead; when they were cut down, and their heads were severed from their bodies:—his royal highness the Prince Regent, acting in the name and on the behalf of his majesty, having graciously remitted the remainder of their sentence.

George Weightman, Thomas Bacon, John Bacon, Samuel Hunt, Joseph Turner, otherwise called Manchester Turner, Edward Turner, John Onion the elder, John Mac Kesswick, German Buxton, John Hill, and George Brassington, received his majesty's pardon, upon condition of being transported for life.

Josiah Godber, Joseph Rawson, otherwise called Joseph Thorpe, and Thomas Bettison, received his majesty's pardon, upon condition of being transported for fourteen years.

John Moore received his majesty's pardon, upon condition of being imprisoned for two years.

Edward Moore, and William Weightman, received his majesty's pardon, upon condition of being imprisoned for one year.

Charles Swaine, William Hardwick, and Alexander Johnson, received his majesty's pardon, upon condition of being imprisoned for six months.

END OF VOL. XXXII.

T. C. HANSARD,
Water-Printer to the House of Commons.

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